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ELEMENTS of CIVIL GOVERNMENT

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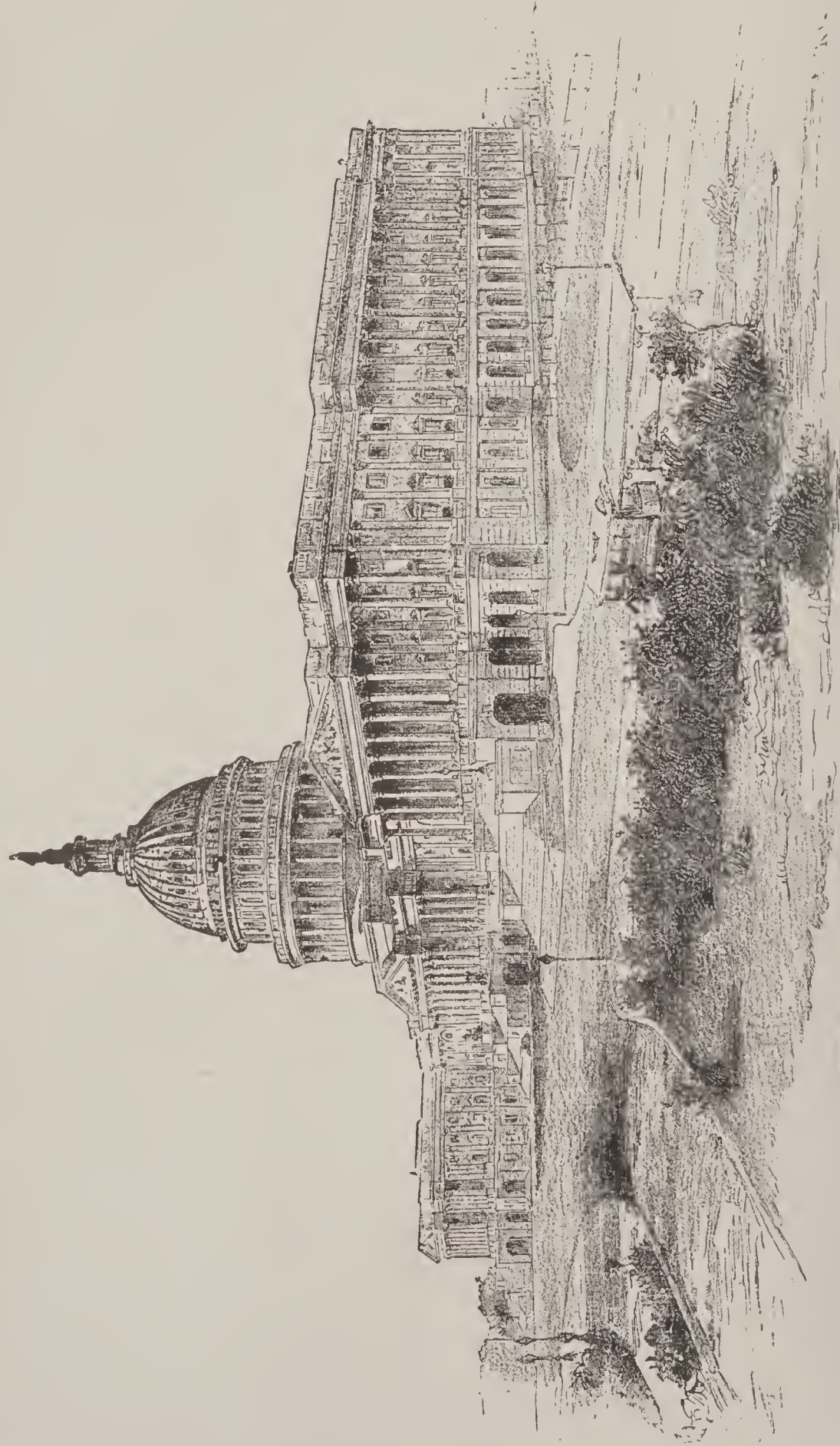
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UNITED STATES OF AMERICA.





THE CAPITOL AT WASHINGTON.

ELEMENTS
OF
CIVIL GOVERNMENT

LOCAL, STATE, AND NATIONAL

*A BRIEF COURSE FOR UNGRADED, GRAMMAR, AND
HIGH SCHOOLS*

BY

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37698 X

SILVER, BURDETT & CO., PUBLISHERS

NEW YORK

BOSTON

CHICAGO

1892

JK251
143310

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TYPOGRAPHY BY J. S. CUSHING & Co., BOSTON.

PRESSWORK BY BERWICK & SMITH, BOSTON

PREFACE.

ONE of the most gratifying signs of the times is the increasing interest of late manifested in different parts of the country in the study of our Civil Government. This growing interest is seen in the multiplicity of books relating to this subject, its general discussion in the daily and weekly press and the monthly and quarterly magazines, the formation of Societies for Promoting Good Citizenship, and especially in the great increase in the introduction of the study of Civil Government into the public and private schools, academies, and colleges in all parts of the country. It is doubtless true to-day that the study is carefully pursued in many high, grammar, and ungraded schools in every state in the Union. It should be, in every school in the country where there are pupils above thirteen years of age.

Our public school system is maintained upon the principle that the safety of free institutions demands intelligence on the part of every citizen. If the property of the state is to be taxed to educate the children of the state, it surely follows of necessity that the principles, methods, powers, and duties of the government, and the relation of the parts to each other and to the whole,

as well as the duties and privileges of the citizen, should be studied in these schools.

We have many treatises upon the Constitution of the United States, and text-books of a higher grade for the study of Civil Government in high schools, academies, and colleges, — books so extended and complete that a full year is required to master them; but it is everywhere felt that a suitable book is very much needed for ungraded and grammar schools, and for high schools in the smaller towns and cities, where time cannot be found for an extended study of the subject. Moreover, it is found that many of the text-books are written for older and more mature pupils, thus being entirely above the reach of the younger and more immature minds in the schools just mentioned.

It is the hope of the author that this book will be found well adapted for the purpose above indicated. It attempts to discuss, in a brief and elementary manner, the foundation principles and general facts of our government, local, state, and national, in language easily understood by pupils from twelve to sixteen years of age, and at the same time without making the silly and futile attempt to degrade the dignity of the subject to the language and style of the primer, the first or the second reader. This subject can scarcely be studied to advantage by primary scholars, but it can be pursued with entire success by nearly all boys and girls who have studied arithmetic to percentage, and who can comprehend the good English of a fourth reader.

It is believed that the plan of this elementary treatise will commend itself to teachers everywhere. It is analytical and topical. It includes, —

1. Town Governments.
2. City Governments.
3. County Governments.
4. State Governments.
5. The National Government.

It introduces the history of the early settlements and the colonies, the formation of the state and national governments, and the rapid and marvellous growth of the republic.

It gives topical analyses for blackboard work, and general outlines for reviews.

This book is not designed to take the place of the author's "*Studies in Civil Government*," but its purpose is to furnish a shorter course, which can be used in schools where younger pupils can spend from three to six months in the study of an elementary book, but would find the larger and more mature treatise too extensive and too difficult.

The author takes this opportunity to express his grateful appreciation of the cordial reception and extended introduction given to his former book, entitled "*Studies in Civil Government*," which in two years has passed through four editions, and is now in extensive use in all sections of our common country. That book has just been thoroughly revised, and the necessary

changes made to adapt it to the present condition of our state and national governments.

It may not be improper to add that these two books have not been made at the study table merely, but have grown out of twenty-five years of practical teaching, in which the author has had a class every year in this subject, and that not a few men now prominent in both public and business life have expressed the conviction that this study has proved of greater interest and of more practical value to them than that of any other subject of their entire school curriculum.

The author desires to express the hope that this brief treatise may serve to promote a higher appreciation of, and a stronger love for, our free institutions and our liberal government "of the people," to the end that they may be perpetual.

WILLIAM A. MOWRY.

DORCHESTER, May 1, 1890.

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ELEMENTS OF CIVIL GOVERNMENT.

BLACKBOARD OUTLINE.



GOVERNMENT.

1. Local.

Town, Township, or County.

2. State.

At first thirteen states, now forty-four.

3. National.

A true republican government of confederated states.

PART FIRST.

LOCAL AND STATE GOVERNMENTS.



CHAPTER I.

INTRODUCTORY.

WE live in a republic. Our country is called the United States of America. It extends from the Atlantic Ocean on the east, across the Valley of the Mississippi River, over the Rocky Mountains to the Pacific Ocean on the west. On the south is the Gulf of Mexico and the republic of Mexico; on the north is British America; then far to the northwest beyond British Columbia is Alaska, which also belongs to the United States. We have forty-four states, six territories, and the District of Columbia in which is the city of Washington, the capital of our country.

All the people in this broad country are citizens under one government. This is called the Na-

tional Government. This National Government is divided into three parts, called the Legislative, the Executive, and the Judicial departments.

The legislative department consists of a Congress of the United States, which includes two branches, the Senate and the House of Representatives.

The executive power is invested in one man called the President of the United States.

The judicial department comprises a series of Courts, including the United States District Courts, the United States Circuit Courts, and the Supreme Court of the United States.

There are in this country subject to this one government more than sixty millions of people. This is the largest, most prosperous, and most powerful republic in the world. We ought to be thankful that we live under a good government and that our nation is large, and strong, and powerful.

By and by we shall want to study the history of this government, when and how it began, and how it has grown to its present prosperous condition; but before taking up this subject, let us consider some other matters. We live not only in a republic but in a commonwealth. We are not only citizens of the United States, but we are citizens of the state of ———

Every state has a government of its own. This government consists, like the National Government, of the Legislative, Executive, and Judicial departments. The legislative department, usually called the State Legislature, includes a Senate and a House of Representatives. The executive officer of the state is called the Governor. The courts of the state include local courts, — that is, Police Courts or Justice Courts, — County Courts, for the trial of civil and criminal cases, and the Supreme Court of the State.

Again, we are not only citizens of the United States, and citizens of our state, but we are citizens of the town or city in which we live. So we have a third kind of government, a local government, that is, the government of our town or city. It will be necessary, therefore, in our study of Civil Government, to keep constantly in mind that we are subject to our local government, to the laws of the state and to the laws of the United States. In all matters that relate to local affairs the town or city government has full power; in another set of subjects, relating to the general good of the people of the commonwealth, the state government has full control; but in everything which concerns the nation at large, the authority is vested in the National Government.

In Emerson's beautiful little poem of the mountain and the squirrel, he makes the little rodent say to the mountain, "If I cannot carry a forest on my back, neither can you crack a nut." Each has its place and its duties and the other cannot interfere.

The term "state sovereignty" is a misnomer. There is no such thing, and cannot be in a republic. Indeed there is—in the true sense of the word—no "sovereignty" in a republic, for there is no "sovereign." It is only by a figure of speech that we say "the people are sovereign." The township cannot interfere with the state or the nation, neither has the state or the nation the right to infringe upon the powers or prerogatives of the town.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What is a republic?
2. Describe the republic we live in.
3. How many square miles does it contain?
4. Citizens of towns, city, or county, of state and of nation.
5. Legislative department — law-making.
6. Executive department — enforcing.
7. Judicial department — interpreting.

BLACKBOARD OUTLINE.



TOWN OFFICERS.

- | | |
|--|---------------------------|
| 1. Moderator. | 5. Assessors. |
| 2. Town Clerk. | 6. Constable. |
| 3. Town Treasurer. | 7. School Committee. |
| 4. Selectmen. | 8. Overseers of the Poor. |
| 9. Highway Surveyors, or Road Commissioners. | |

CITY OFFICERS.

- | | |
|---------------------------|-------------------------------|
| 1. Mayor. | 6. City Clerk. |
| 2. Aldermen. | 7. City Treasurer. |
| 3. Councilmen. | 8. City Solicitor. |
| 4. School Committee. | 9. City Auditor. |
| 5. Overseers of the Poor. | 10. City Marshal, and others. |

COUNTY OFFICERS.

- | | |
|--|-----------------------|
| 1. County Commissioners. | 5. County Sheriff. |
| 2. County Treasurer. | 6. Coroner. |
| 3. County Auditor. | 7. District Attorney. |
| 4. County Registrar. | 8. County Assessors. |
| 9. County School Commissioner, and others. | |

CHAPTER II.

LOCAL GOVERNMENT.

SECTION I. — THE TOWN.

THE town is the local unit of government. The town government in this country originated in New England. In the new states of the west different circumstances have produced a different condition of local government. In the early settlements of New England a town included a little territory, generally with a central village and outlying farms scattered here and there. The people of this territory formed a compact settlement by itself and constituted a little democracy, where all the people came together in town meeting and made laws for themselves, assessed taxes, ordered roads built, schools to be supported, and determined by a majority vote whatever seemed best for the well-being of the little settlement.

These towns were grouped together in a colony, and the colonists were, at that time, subject to Great Britain. The first town meeting in America was held in Dorchester, Massachusetts,

in the year 1633. It was then established as an institution for that town. The citizens voted that the meeting should be held monthly, and that all matters relating to the welfare of the town were to be determined by a majority vote, the minority yielding their preferences and agreeing to be governed by the majority. Other towns followed this example and established town meetings the next year, 1634.

The establishment thus early in the history of our country of the town meeting has proved the source of much of our freedom at the present time in state and nation. In the newer settlements in the west covering greater areas of territory, generally without the nucleus of a village, the township, as the people call it there, is of less importance, while much of the local government is necessarily administered by counties.

SECTION II. — TOWN OFFICERS.

A town meeting must be legally called. Notices are posted in accordance with law, stating distinctly the business, article by article, which is to be transacted by the voters of the town in the meeting. At the *annual* town meeting the various officers of the town are elected. In some states the voting for the principal town officers must be

by ballot. The meeting is called to order by the town clerk, then the warrant is read and a moderator is elected. It is the duty of the moderator to preside at the meeting, to put all motions, declare the vote, to see that everything is done in proper legal form, and to preserve order. The principal officers of a town are mentioned below.

Who are Voters. — In most of the states the requisites for voting in town, county, state, and national elections are as follows:—The person must be a citizen of the United States, twenty-one years of age; must have resided within the state, and county or town, the time required by law. Some states require a poll or registry tax. Some do not require citizenship. More than twenty states permit women to vote for School Committee; and in Wyoming, for all officers and on all questions, the same as men. Kansas has municipal suffrage for women.

Besides the appointment of town officers the voters assembled in town meeting levy taxes, and make apportionments of money for school purposes, highways, the support of the poor, and for such other purposes as may seem necessary, such as street lights in thickly settled portions of the town, fire engines, bridges, and various other matters.

Town Clerk. — It is the duty of the Town

Clerk to keep the records of all business done in the town meetings during the year for which he was elected, to keep records of births, marriages, and deaths in the town, and perform such other duties of a like nature as the law requires.

Town Treasurer. — It is the duty of the Town Treasurer to keep safely all moneys intrusted to him, receiving the town's money from the Collector of Taxes, from the debtors of the town in payment of bills due to the town, moneys received from the state for specified purposes and from any other sources from which the town may receive money. He is to pay out this money on the orders of the proper town officers in accordance with law, and in payment of bills against the town when certified or audited by the proper officers. The Town Treasurer is also required to look after the invested funds of the town, receiving the interest or income from such funds, and making a report as occasion may require from time to time to the town meeting or to the Selectmen.

Selectmen. — The Selectmen or Town Council, or, as they are called in some states, trustees of townships, have the general charge of the executive business of the town. They call the town meetings. In many states they receive and count the votes for state and national offi-

cers, they act as a board of health, where a board has not been appointed, they lay out highways, appoint certain minor officers, they represent the town in suits at law, they draw jurors, in some cases grant licenses, and do many other things, some of which differ in different states.

Assessors of Taxes. — It is the duty of the Assessors of Taxes to make an inventory of all the real estate in the town with the names of the owners thereof, of all personal property and owners, and make a list of the names of all persons against whom a poll tax is levied. The town having voted the amount of tax to be raised, the assessors will subtract from this sum the amount of all poll taxes, and then determine the percentage which is necessary to raise the remainder of the required tax from the total taxable property of the town. The tax list is then turned over to the Collector, whose duty it is to notify each person what his tax is and demand payment thereof. This notice usually states when and where the tax may be paid, and if not paid within the time allowed by law, then the Collector must institute measures in accordance with law for its collection from the property assessed.

Constable. — It is the duty of the Constable, like a police officer, to make arrests in accordance with law of persons charged with crime. A Con-

stable having arrested a person will hold him as prisoner and convey him to a safe place of detention, keeping him in custody until he shall have a trial and be acquitted or sent to jail. It is the duty of the Constable also to serve warrants and writs, summon witnesses, and to perform all such duties as are laid upon him by law.

School Committee. — Our people maintain in all the states and in all the territories a system of free schools. These schools are not established and maintained by national authority, but by state and territorial laws. In some states the schools are sustained by the state government, under uniform state laws, the state holding in its hands absolute control of all public schools within its jurisdiction. In such cases the state provides for the appointment generally of county superintendents and county school boards, the township having but little jurisdiction in the matter. In most of the older states, in the eastern part of the country, the township system prevails. In this section the state usually has a Board of Education and makes laws concerning the schools and their general management, but leaves the particular care of them to the towns. In such cases there is usually a state appropriation for school purposes, and another appropriation by each town, according to its needs. In this case the schools

of the town are placed under the control of the School Committee elected by that town. This Committee usually consists of three or more persons, generally an odd number, who, in accordance with the laws of the state, have the entire management and control of the public schools. In most states having School Committees they examine the teachers, grant them certificates, fix the rate of wages, approve the bills for payment, build, repair, and keep in order the school-houses, arrange courses of study, examine the schools, determine rules and regulations for them, etc. In some states women, as well as men, vote for members of the School Committee.

Overseers of the Poor. — These officers have charge of the poor people belonging in the town, who have no relatives to support them, making proper arrangements for their support, either in the almshouse — sometimes called the poor-house — or boarding them in private families. In some cases this duty is assigned to the Selectmen.

Road Commissioners or Highway Surveyors. — These officers have charge of all the necessary repairs on the highways and of the building of new roads when ordered by the town. The duties of other town officers need not be specified.

Herrick's "Powers and Duties of Town Officers in Massachusetts" gives the following as the law in that state concerning town meetings :

“ Every town meeting shall be held in pursuance of a warrant under the hand of the selectmen, directed to the constables or to some other persons appointed by the selectmen for that purpose, who shall forthwith notify such meeting in the manner prescribed by the by-laws or by a vote of the town. The selectmen may by the same warrant call two or more distinct town meetings for distinct purposes.

“ The warrant shall express the time and place of the meeting, and the subjects to be there acted upon; the selectmen shall insert therein all subjects which may, in writing, be requested of them by any ten or more voters of the town, and nothing acted upon shall have a legal operation, unless the subject-matter thereof is contained in the warrant.”

The following is the form of the warrant for calling the Annual Town Meeting in the state of Massachusetts:—

WARRANT FOR CALLING THE ANNUAL TOWN MEETING.

E—, ss. To either of the Constables of the town of B—, in the said county, Greeting:

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the town of B— qualified to vote in elections and in town affairs, to meet at the Town Hall in said B—, on — the

—— day of —— next, at —— o'clock in the forenoon, then and there to act on the following articles : —

1. To choose a moderator to preside in said meeting.
2. To choose all necessary town officers for the year ensuing.
3. To hear the annual report of the selectmen, and act thereon.
4. To raise such sums of money as may be necessary to defray town charges for the ensuing year, and make appropriations of the same.

And you are directed to serve this warrant, by posting up attested copies thereof, one at the Town Hall, and one at each of the public meeting-houses in the said town, fourteen days at least before the time for holding said meeting. The polls will open at —— o'clock, A.M., and will close at —— o'clock, P.M.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this —— day of ——, in the year one thousand eight hundred and ——.

SELECTMEN OF B——

[NOTE TO THE TEACHER. — Object lessons are the most effective of all lessons. It is the practice of some of our best teachers to have the scholars conduct a mock town meeting. Previous to the day on which the town meeting is held, the teacher should write off, or have written, a warrant, which should be posted in some convenient place in the school-house, signed by the selectmen, previously appointed from the scholars by the teacher. A town constable and a town clerk should also be previously appointed ; — the constable to post the warrant and make returns thereon, and the town clerk should call the meeting to order, and preside until a moderator be elected.

On the day the town meeting is held, the school should organize and carry through the forms of such a meeting according to the warrant already posted. If it be an Annual Town Meeting, let the town officers be elected by ballot, let the business of the town, as embodied in the warrant, be conducted in order, and the meeting finally adjourned.

Any skilful teacher who has a few bright scholars in the school (and what school has not?) will find this practice of holding town meetings or of holding mock courts, or a Legislative Assembly, as the House or the Senate, to be of much interest and of great value to the school.]

SECTION III. — CITIES.

When the population of the town becomes so large that it would be difficult to transact public business in the town meeting, it is customary all over the country for the town, by a majority vote, to apply for a city charter. In some states a special act of the Legislature is necessary to grant a charter for the new city. In other states a charter may be obtained, under circumstances defined by law, from the officers of the state in accordance with a general statute for the incorporation of cities. This charter must be accepted by a majority of the legal voters at the town meeting called for that purpose. The charter defines the powers and duties of the several officers to be chosen under it.

The City Government. — The City Government is vested in the Mayor and the City Council. The Council may consist of two bodies, (1) a

Board of Aldermen and (2) a larger board called a Common Council, or it may consist of but one body, a Board of Aldermen and no Council, or a Council and no Board of Aldermen.

The Mayor is elected by the voters of the whole city. The Aldermen are in some cases elected by wards or districts, and in others on a general ticket for the whole city. The members of the Common Council are usually elected by wards.

The city, like the town, has its school committee, assessors of taxes, overseers of the poor, clerk, treasurer, collector of taxes; and it usually has a superintendent of streets, officers of the fire department, a city solicitor, a city physician, auditor, city marshal or chief of police, and sometimes other officers. Many of these officers are appointed by the City Council rather than elected by the people.

Mayor. — The Mayor is the executive officer of the city. He must see that the laws are enforced, and that subordinate officers are faithful in their duties. He makes recommendations to the City Council. Usually he has a veto power over the Council similar to the veto power of the Governor over the legislature. The Mayor in some cases is considered as a member of the Board of Aldermen, and presides over them. In other cases he presides over them but has only

the casting vote. In still other cases he is not connected with the Board of Aldermen.

The Aldermen. — The Board of Aldermen have powers and duties corresponding to those of the selectmen in the towns. They draw jurors, issue warrants for ward meetings, and in legislative matters have joint power with the Common Council.

City Council. — The City Council, whether consisting of one body or of two, have the power to fix the salaries of officers, to levy taxes, borrow money, make appropriations for the various departments of the City Government, and in general to care for the public interests of the city. The City Council pass what are called ordinances relating to public matters, like the construction of sewers, the erection of buildings, obstruction of streets, prevention against fires, punishing vagrancy and truancy, and whatever is needful for the preservation of property, the public health, and the general well-being of the city.

The town organization, as has been seen, is a democracy, while the City Government is representative. The executive power of the mayor and aldermen in the city corresponds to that of the selectmen in the town. The legislative power in the city is found in the City Council instead

of the whole body of voters as in the town. The City Council elects inferior officers instead of the people as in the town. In the city, voters meet in districts or wards for the election of officers, while in towns all the voters usually meet in one body. In some instances, however, large towns have been divided into voting precincts.

SECTION IV. — COUNTIES.

The state is divided for convenience in local government into counties, or into counties and towns. In the south and some portions of the west, the states are divided into counties only. In New England and some of the Middle and Western States, the counties are sub-divided into towns or townships. The division into counties is found in every state except Louisiana, which is divided into parishes.

In all states where the counties are divided into towns, the town is the unit of government, and in some states more important than the county. Where the counties are not thus divided, the county is the unit of government. Where towns exist, the local government is divided between the county and the town. Both counties and towns are corporations.

County Commissioners. — In most of the states, but especially in those states where the local gov-

ernment is vested in the county rather than the town, the chief executive officers for the counties are called County Commissioners. In some states there are officers called supervisors, and the supervisors of the several towns in the county form a board of supervisors for that county. These boards have the care of the public property of the county and attend to all matters of building or repairing public buildings, such as the courthouse and county jail. In those states where no towns are found, or where the county officers have more political power than those of the towns, these county boards or county commissioners exercise large powers with regard to schools, taxes, highways, bridges, etc.

County Treasurer. — Each county has a Treasurer who has the custody of all moneys belonging to the county, receiving the funds and paying them out as required.

County Auditor. — In some states there are officers called County Auditors, whose duty it is to examine and certify bills against the county.

Recorder or Registrar of Deeds. — In most states each county has a Recorder or Registrar of Deeds, whose duty it is to keep permanent records of all deeds, mortgages, and other written instruments which are required by law. In a few states these records are kept by the town clerks in the several towns.

Sheriff. — Each county has a Sheriff, or, as in some states, a Deputy Sheriff, to distinguish him from the High Sheriff. It is the duty of the Sheriff to execute all warrants, writs, and other processes intrusted to him by the courts, to arrest persons accused of crime, and to have charge of the county jail and its prisoners.

Coroner. — It is the duty of the Coroner to inquire into the causes of the death of persons who have died suddenly or by violence. The Coroner summons a jury, who examine witnesses and give their opinion in writing as to the manner and cause of the person's death. This is called a Coroner's inquest.¹

District Attorney. — It is the duty of the District Attorney to conduct the prosecution in all courts of the county in which persons are tried for crimes. He is sometimes called the prosecuting attorney or the state's attorney.

Assessors. — Wherever the taxes are assessed and collected by counties instead of by towns, the counties have Assessors and Collectors of Taxes. Their duties have already been described. There are also county Surveyors and other officers differing in different states.

School Commissioners or Superintendents. — In a large number of states the public schools are managed by counties. In such cases the county

¹ In Massachusetts, where there is no Coroner, the inquiry is made by a "Medical Examiner," and the inquest is held by a court or trial justice.

has a School Commissioner or a Superintendent of Schools, whose duty it is to examine teachers, visit the schools, and attend to general matters relating thereto, but only as directed by the laws of the state. In some states there are county boards of education, differently constituted, who have under their care the interests of the public schools.

These various county officers may be considered as belonging to two classes in respect to their jurisdiction. Some of them are the representatives of the county only, while others are considered as state officials, but exercise their power only in their own county. The County Sheriff arrests a man for crime, but as the crime is fixed by state law, it is considered that the state arrests the man; yet this arrest is made by the agent of the county. So when the district attorney prosecutes him, it is in the name of the state whose law he has violated. But the county commissioners, or the recorder, or county treasurer act only for their county, and in no sense in the name of the state

SECTION V. — EDUCATION.

Perhaps no department of our government is of more importance than our system of public schools. Although these are supported and regu-

lated by the state, yet they are substantially local institutions and may properly be treated in this place.

Monarchies do not necessarily rely on the intelligence of the people for the preservation of their form of government, but a republic is made secure only by the intelligence and morality of all the people. It is generally agreed that intelligence, enterprise, thrift, and virtue are essential elements for a popular government. It would be unwise and dangerous to the state for us to allow any portion of our people to bring up their children in ignorance or vice.

The public school began its history in this country in New England. The Boston Latin School dates from 1635. Harvard College was founded, partly by private gifts and partly by the government of Massachusetts Bay, in 1636. The town of Dorchester established the first public school which was supported by taxation in 1639. From this time onward the district school in New England became an important institution, so that long ago it was considered one of the boasted products of New England.

When the territory northwest of the Ohio River was first settled, many of the pioneers went from the Eastern States. They carried with them and established in that section the New England

system of public schools. This institution has since prevailed in all the great northwest and in the states upon the Pacific coast, and since the late war it has been established by law in every southern state. All the organized territories have also established for themselves public schools. We have then to-day a system of public schools prevailing in every state of the Union, in every organized territory, and in the District of Columbia. The laws relating to the schools, as well as their management, differ greatly in different states. In New England, where they first started, much is left to the people of each town. The state has a Board of Education and a Superintendent of Public Instruction. In some states this officer is called a Commissioner of Education, in others he is termed the Secretary of the Board of Education. The state makes laws for the government of the schools, and apportions a certain sum of money among the several towns, but each town levies a tax upon its inhabitants and their property for school purposes.

In the west and the south the states have a more direct management of the schools, exercising a more immediate control over them. Many states have school funds to aid in supporting their public schools. In those states where the counties are not divided into townships, the schools are county

schools, usually divided into districts for schools of the lower grades, but having one or more county high schools.

In some states public schools are largely elementary in their character, but a majority of the states carry public instruction through a high school course. Many of the Western States maintain also state universities, in which any young person belonging in the state can have free instruction through a liberal course of college or university study.

Private Institutions of Learning. — In addition to the public schools, all sections of our country maintain many private institutions of learning. There are private schools — primary, grammar, and high — in most of our large towns and cities. Many academies and seminaries have been founded and endowed by benevolent persons, where an excellent education can be obtained at moderate expense. Colleges and universities are numerous in all parts of our country. Many of them are well endowed with large funds, enabling them to give a liberal education at a small part of its actual cost. Of late, parochial schools have been established by the Roman Catholic Church in large numbers in different sections of the country. The different Protestant denominations have, to a greater or less

extent, denominational schools here and there, of various grades. Perhaps there is no country in the world where the opportunities for every one to obtain a good education are more widespread than in the United States of America.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

TOWNS.

1. Give an account of the early New England town.
2. Western towns. Why are the towns in some sections of less relative importance than in New England?
3. Town meeting — importance.
4. Town officers — how elected.
5. Duties of Town Clerk.
6. Duties of Town Treasurer.
7. Duties of Selectmen.
8. Duties of Assessors.
9. Duties of Constable.
10. Duties of School Committee.
11. Duties of Overseers of the Poor.
12. Duties of Road Commissioners.
13. What preliminaries are needed before a town meeting can be legally organized?
14. What can be done legally in a town meeting?

CITIES.

15. What is a city charter?
16. How obtained?

17. Difference between a town government and a city government.

18. How is the Mayor elected?

19. Duties of Mayor.

20. Duties of Aldermen.

21. Duties of Councilmen.

COUNTIES.

22. Where are counties of the most importance? Why?

23. What state has no counties?

24. When are counties units of government?

25. Duties of County Commissioners.

26. Duties of County Treasurer.

27. Duties of County Auditor.

28. Duties of Recorder.

29. Duties of Sheriff.

30. Duties of Coroner.

31. Duties of District Attorney.

32. Duties of Assessors.

33. Duties of School Commissioners.

34. Write an essay upon our system of public schools.

[Let different pupils take different topics concerning public schools, e.g.: (1) Why is it right or just to tax all the property to support public schools? (2) The necessity of compulsory education. (3) Should the state support high schools? (4) Should it support colleges? (5) Advantages and disadvantages of private schools. (6) Advantages of graded schools. (7) Why should we learn to read? (8) Is it a disgrace to be a poor speller? (9) Is it any credit to be a good speller?]

BLACKBOARD OUTLINE.



DEPARTMENTS OF GOVERNMENT.

- | | | |
|----------------|--|---------------|
| 1. Legislative | | 2. Executive. |
| 3. Judicial. | | |

LEGISLATIVE DEPARTMENT.

- | | | |
|---------------|--|----------------|
| 1. The House. | | 2. The Senate. |
|---------------|--|----------------|

EXECUTIVE DEPARTMENT.

- | | | |
|------------------|--|-----------------------------|
| 1. The Governor. | | 2. The Lieutenant-Governor. |
| 3. The Council. | | |

OTHER EXECUTIVE OFFICERS.

- | | | |
|------------------------|--|---------------------------------|
| 1. Secretary of State. | | 5. Surveyor-General. |
| 2. Treasurer. | | 6. Commissioner of Public |
| 3. Auditor. | | Schools. |
| 4. Attorney-General. | | 7. State Librarian, and others. |

THE STATE COURTS.

- | | | |
|--------------------|--|-------------------|
| 1. Justice Courts. | | 3. County Courts. |
| 2. Police Courts. | | 4. Supreme Court. |

CHAPTER III.

STATE GOVERNMENTS.

SECTION I. — THEIR ORIGIN.

WHEN the War of the Revolution commenced, it united thirteen English colonies, which were located along the Atlantic coast of North America, in rebellion against the British government. On the 4th of July, 1776, these colonies, through their delegates assembled in the Continental Congress, declared themselves independent of the mother country, and published to the world their intention of taking their place as one of the nations of the earth. The several colonies at that moment became states. They immediately adjusted their government in accordance with the new conditions under which they were placed. On that same day began the new nation of the United States of America, and the separate existence of each state as a state in the Union. One after another of these states formed a written constitution for itself, some just before, the others after the Declaration. These were termed state constitutions. Every one of the present forty-

four states has a written constitution, which was formed by a convention of the people, and which has been adopted by a majority vote.

Virginia was the first state to adopt a constitution, June 29, 1776. On the 2d of July, New Jersey adopted a constitution. These two were prior to the Declaration of Independence. Before the end of that year, Maryland, Delaware, Pennsylvania, and North Carolina had adopted constitutions. In 1777 Georgia, New York, and Vermont adopted constitutions, although Vermont was not admitted into the Union as a state until 1791. South Carolina adopted her constitution in 1778, Massachusetts in 1780, and New Hampshire in 1784.

Connecticut and Rhode Island continued their governments under their former charters received from the king. The charter of Connecticut dated from April 20, 1662, and it served as a constitution for that state until the year 1818. The charter of Rhode Island went into operation July 8, 1663, and that little state retained it as her constitution until the year 1842, when she adopted a state constitution. At the time that charter was superseded by the new constitution (1842), it was the oldest written constitution then in force in the world.

These various state constitutions all contained substantially: —

1. A Bill of Rights.
2. An Executive Department.
3. A Legislative Department.
4. A Judicial Department.

SECTION II. — THE LEGISLATIVE DEPARTMENT.

The Legislative Department makes the laws for the state, but the state laws must not conflict with the constitution of the state nor the constitution of the nation. The state laws relate to matters of justice, equity, and rights, concerning the dealings of the citizens with each other and with the state. They provide for the organization of corporations, the establishment and support of educational and charitable institutions, and make all needed regulations for the prosecution and punishment of crime. In general, the aim of the Legislature in all laws is to promote the general welfare of the people of the state.

It was but natural that these English colonists should follow in many things the notions and customs which they had received from the mother country. In Great Britain the Legislative Department of the government included the House of Commons and the House of Lords. The American states severally, and the United States in its constitution, all followed the British system of two houses.

The House of Representatives. — Each state has a House of Representatives, although not always called by that name. The Representatives are chosen in nearly all of the states on the basis of population. For this purpose the state is divided into representative districts. A few states elect representatives for one year, but more elect for two years; while some elect for three years, and a few for four years.

The Senate. — The Senate is considered the upper house of the Legislature. The office of Senator is supposed to be of higher honor than that of Representative. The Senators are chosen from senatorial districts, which in all of the states are larger than the representative districts, making the Senate a smaller body than the House. Each house has a list of standing committees, and most of the business of the two houses is considered, examined, digested, and reported to the house by the appropriate committees; so that much of the ordinary business of the house is to pass a formal sanction upon what has been done by the committees. In this way the transaction of business is greatly facilitated, and the result is probably wiser than if every detail came before the full house.

When, however, some matter of importance upon which there is a diversity of opinion comes

from a committee, the house discusses the subject, the members who are specially interested in that particular question debate it with all the strength of their decided convictions; and then, when the majority has decided the point, the minority yield gracefully, and the law is passed or defeated, as the case may be.

The Making of a Law. — Before any bill can become a law it must be presented to one of these two houses, usually reported upon favorably by a committee, passed to a second reading, generally laid over until another day, then being called up it takes its third reading, and if adopted by the requisite vote, is sent to the other house. Here it goes through the same form as before, and on a favorable report from the proper committee it passes to its three readings. If at the third reading it obtains a majority vote, it is ordered to be engrossed and sent to the Governor for his signature. In most states the Governor has a veto over all bills passed by the Legislature. If he signs the bill, thereby indicating his approval of it, it becomes a law, and it is then sent to the Secretary of State to be placed on file for preservation. If the Governor disapproves of the bill he refuses to sign it, or in other words he “vetoes” the bill, and returns it with his objections to the house where it originated. In this

case it must pass the two houses of the Legislature again, and in nearly all the states a two-thirds vote is necessary. If it fails to receive this vote in either house, the bill is killed. In some states a majority vote only is necessary to pass the bill over the Governor's veto.

Each house is the judge of the election and qualifications of its own members, chooses its own officers, and establishes its rules of procedure. In some of the states the House of Representatives only can originate bills looking toward taxation or the expenditure of money.

SECTION III. — THE EXECUTIVE DEPARTMENT.

The Governor. — The chief executive officer of the state is the Governor. It is a common custom to apply to him the title of "His Excellency." In the early history of the states New Hampshire, Pennsylvania, Delaware, and South Carolina called the executive officer the President. All other states from the outset gave him the name of Governor.

In a monarchy the chief executive officer is the monarch himself. In him is the source of power, and other officers are responsible to him. Under a republican form of government, as in the several states, the executive officer holds inferior offi-

cers responsible to him, but he in turn is responsible to the people, who are the source of all political power.

Term of Office. — The Governor is elected by the people ; in some states annually, in others for the period of two, three, or four years. The tendency at present seems to be toward biennial elections.

Qualifications. — The qualifications necessary for a Governor differ in the different states. The qualifications for a Governor in every state are determined by the constitution of that state. These constitutions commonly agree that to be eligible for the office of Governor a person must have been for a certain number of years a citizen of the United States, and for a term of years immediately preceding his election a resident of the state. He must also be above a certain age, which in most of the states is thirty years.

Powers and Duties. — The executive powers and duties of the Governor are important and various. It is his duty to represent the state on public occasions and in its dealings with other states and the United States. He is Commander-in-Chief of the military forces of the state, and has the power to call out the militia of the state in time of insurrection. It is his especial care as the chief executive to see that the laws be faith-

fully executed. He has power to call upon the different executive officers under him for information concerning the condition of affairs in their respective departments. He communicates information of the condition of the state by message to the Legislature when in session, and is accustomed to recommend to that department of the government such measures as he considers necessary and desirable. He usually has the power to call together the Legislature on extraordinary occasions. In most states he has the veto power.

The Governor has certain judicial powers. In most states the power is granted to him by the constitution to reprieve or pardon criminals. To reprieve a criminal is to postpone or delay for a certain time the execution of the sentence which has been already pronounced upon him. To pardon is to free the criminal entirely from the execution of the sentence. A pardon forgives the offence and releases the offender. Most states also give the Governor the power to commute a sentence; that is, to change the penalty or punishment for a less severe one. For instance, when a person has been sentenced to capital punishment, the Governor may commute that sentence to imprisonment for life. In some states the pardoning power is not given to the Governor, but is retained in the hands of the Legislature, or the Senate, or the Governor's Council.

The Governor has also in all states more or less appointing power. He appoints many executive officers and sometimes judicial officers. This power of appointment differs greatly in the different states. In some states he appoints all the principal executive and judicial officers, such as the Secretary of State, the Attorney-General, and the judges of the courts. In other states these officers are elected by the people, and the Governor appoints only officers of a lower grade. In none of the states has he the power to appoint legislative officers. In some states the Governor is intrusted with powers and duties which it is not necessary to mention here. Some states provide for a "Governor's Council," or, as it is sometimes called, an "Executive Council." The members of this council are usually elected by the people, and their duty is to advise the Governor, especially in regard to certain matters definitely stated in the laws.

Lieutenant-Governor. — Most of the states have an officer called a Lieutenant-Governor. In one-quarter of the states this office does not exist. Usually he has but few duties. In most of the states which have such an officer he presides in the Senate. The principal reason for having a Lieutenant-Governor is to guard against a vacancy in the office of Governor. Should the

Governor die, or by any reason be removed or become incompetent to discharge the powers and duties of his office, these would devolve upon the Lieutenant-Governor; but in every instance only in accordance with the constitution of the state.

Executive Officers. — The executive officers vary in the different states. In most of them the constitution provides for a secretary of state, an auditor or comptroller, a treasurer, and an attorney-general. Some states have an officer called a surveyor-general, whose duty it is to look after the lands belonging to the state; a superintendent of schools, or superintendent of public instruction, or commissioner of public schools; state printer; a state librarian, and others.

Some states have boards of education whose duty it is to exercise supervision over the normal schools of the state, if there are such; prescribe forms for registers and blank-books for school statistics; to direct or advise the superintendent of public instruction; and to make annual report to the Legislature of the state concerning education within its limits, with recommendations for necessary legislation or appropriations.

Some states have a board of agriculture, a board of health, a board of prison commission-

ers, a board of railroad commissioners, harbor commissioners, insurance commissioners, commissioners of savings banks, and the like.

SECTION IV. — THE JUDICIAL DEPARTMENT.

The constitutions of the several states provide for the establishment of courts of justice and carefully define their powers. In some states the judges are appointed, and in others they are elected by the people. The legislative department makes laws, the executive department enforces them, but the judicial department interprets the laws and decides cases of law, making the proper application so as to insure justice to individuals. The names and powers of the different courts differ greatly among the several states. In no two states is the judicial department exactly alike. All that can be done here is to give a tolerably correct idea of the judicial system to be found in most of the states.

Justices of the Peace. — In the various towns or counties in the different states officers are chosen, termed Justices of the Peace. The justice will hold a petty court, in which he has the power to try civil cases which involve small amounts. Some states limit this amount to one hundred dollars, and others to fifty dollars. He has also

the power to try persons charged with small crimes. Sometimes he has the power to make a preliminary examination and bind over criminals for trial in the higher courts.

Police Courts. — In the cities the lowest order of courts, similar to the justice courts in the towns, is usually termed police courts.

County Courts. — In most of the states the courts next above justice courts or police courts, which are organized for the trial of civil cases and of crimes, are held by counties, and are called by various terms, such as district courts, county courts, courts of common pleas, superior courts, etc. Many of the states outside of New England call these courts circuit courts.

Supreme Court. — The highest court in the state is usually called the supreme court of such a state. This is usually not a court of original jurisdiction, but only for the trial of cases appealed from the lower courts.

Probate Courts. — The term probate court is used in most of the states with a uniform meaning. Usually there is one probate court in every county, which has generally but a single judge. These courts are quite different in character from the courts just described. They are not for the trial of disputes between citizens, nor for the trial of persons charged with crime, but their powers

and duties relate exclusively to the settlement of the estates of deceased persons. They act upon wills, appoint administrators, and empower executors to act in accordance with the wills. When a person dies, leaving property, but not having made a will, it is said that he dies *intestate*. In that case it is the duty of the probate court to appoint administrators, whose duty it is to settle the estate, paying all lawful bills brought against it, and to divide the property among the relatives to whom it would belong by law. Strictly speaking, the administrator has no jurisdiction over the real estate of a person deceased. The lawful heirs can take possession of that without authority from the court.

When a person dies leaving a will, he usually names in that will an executor or executors, whose duty it shall be under the will to dispose of his property in accordance with the provisions of the will. The probate court has power to remove executors or administrators who fail in the discharge of their duty, to settle their accounts, and to decide questions of dispute which may arise in the distribution of the estate. Probate courts are sometimes called 'orphans' courts, because they have the power to take charge of the estates of minors whose parents have died, and to appoint guardians for them.

Questions of dispute which may arise concerning decisions of probate courts may be appealed to the county courts or the supreme court of the state.

Judges of the various courts are sometimes appointed by the Governor, sometimes by the Legislature, and sometimes elected by the people. Their terms of office differ in the different states. Frequently the term is from six to ten years. Justices of the peace are usually elected for one or two years. It is common in the New England States for the judges of the higher courts to hold office for life. All the officers under the judicial department, as well as those in the legislative and executive departments, receive salaries which are fixed by state laws.

There are many other matters of various kinds relating to the state governments, which might be considered with propriety here, but which may better be omitted, especially for the reason that most of them will be fully explained and better understood under the department of our national government. The subordination of the parts to the whole, of the inferior to the superior, must be kept in mind. The town and the county are portions of the state, are inferior to the state, and are subject to its power and its law, but only so subject in matters over which the state by the

constitution has authority vested in it. So in like manner it must be remembered that the states are parts of the nation, and as such are in subordination to the national authority, but only in such matters as the nation has power given to it by its constitution.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the Declaration of Independence?
2. How did the colonies become states?
3. Write a paper of one hundred words or more, describing the legislative department of a state.
4. Difference between the "House" and the "Senate."
5. Describe how a law is made.
6. Duties of the Governor.
7. Is a Lieutenant-Governor like a "fifth wheel to a coach"?
8. What executive officers are there in the states?
9. Justice Courts.
10. Police Courts.
11. County Courts.
12. Supreme Courts.
13. Probate Courts.
14. What is meant by intestate?
15. What is meant by executor?
16. What is meant by administrator?
17. State Judges — how appointed or elected?

BLACKBOARD OUTLINE.



SETTLEMENTS.

- | | | |
|-------------|--|------------|
| 1. Spanish. | | 2. French. |
| 3. English. | | |

COLONIAL AND REVOLUTIONARY HISTORY.

- | | | |
|---|--|---------------------------------|
| 1. The Supreme Moment in
the History of America. | | 3. Second Continental Congress. |
| 2. First Continental Congress. | | 4. Articles of Confederation. |
| | | 5. Plan of the Confederation. |
| 6. The Federal Convention. | | |

CHAPTER IV.

COLONIAL AND REVOLUTIONARY HISTORY.

SECTION I.

The Contest of the Kings for North America.

— After the discovery of America by Columbus Spain claimed the right to the new world. It was not long, however, before Great Britain, France, and other nations sent over vessels on exploring expeditions, each claiming the right to the country along whose coast they sailed. A little later settlements were attempted here and there from Quebec to St. Augustine, in Mexico, Central and South America.

Spanish Settlements.— Spain made the first permanent settlement in what is now the United States, at St. Augustine, Florida, in 1565. Spain at an early date took possession of Mexico, Central America, and a large part of the Atlantic coast of South America. So it came to pass that the Spanish Provinces were all further south than the country which at a later date became the United States of America.

French Settlements. — The French people are entitled to great praise for their early explorations and settlements in North America, and for the devoted efforts of French priests to instruct and Christianize the North American Indians. Father Marquette, Chevalier De La Salle, Joliet, and many others penetrated into the wilderness, traced the course of the principal rivers, navigated the Great Lakes, and explored the entire valley of the St. Lawrence and the Great Basin of the Mississippi.

They had possession of what is now the British Provinces at the north of us, and of the entire country between the Alleghanies and the Rocky Mountains.

English Settlements. — Great Britain was at an early date very active in sending out expeditions for discovery and explorations. The Cabots, Sir Francis Drake, Sir Humphrey Gilbert, Capt. John Smith, Gosnold, and others sailed along the Atlantic coast, taking possession of the country in the name of the king of Great Britain. Settlements were effected at Jamestown, Plymouth, Salem, Boston, Hartford, New Haven, and later still Philadelphia, and along the coast of the Carolinas and Georgia.

The Contest for Supremacy. — Thus it happened that these three great European nations,

to say nothing of Portugal, Holland, Sweden, and other minor powers, had before the middle of the last century planted flourishing settlements and organized governments for prosperous colonies along the coast and in the interior from Quebec to the Isthmus of Darien.

If the map of North America were made in three colors, showing the several parts of this continent held by these three great powers from 1740 to 1750, the lines would be somewhat as follows: The green color, which might represent Spain, would cover Florida, Mexico, and Central America. The yellow shade, representing France, would include all of the present British America and the entire valley of the Mississippi River. The red, which we will have represent the British power, will cover only the few feeble colonies along the coast from Maine to Florida, and extending westward to the Alleghany Mountains.

SECTION II. — THE CONTEST ENDED.

The Supreme Moment in the History of America. — In the year 1754 hostilities broke out between the English colonies in North America and the French. During several years preceding this date the French had established a line of posts along the Ohio River and near the Alle-

ghany Mountains, intending to prevent the English from extending themselves beyond the mountains to the westward. Washington, at the head of troops from Virginia, was sent to dislodge the French from Fort Duquesne. In the next year, 1755, occurred the defeat of General Braddock near this fort. In 1756 Lord Loudon was sent to command the British troops in America. The contest went on with the battle of Louisburg, Fort William and Henry, and the capture of Fort Frontenac. The English were defeated at Fort Ticonderoga, and fought other battles, until General Wolfe was sent by the British to take Quebec, and there defeated the French army under Montcalm.

The Battle of Quebec. — During the night the British forces climbed the steep precipice from the river up to the “Plains of Abraham.” A fierce battle ensued. It was the turning-point in the history of America. If the French should be able to compel the forces to retreat, France might reasonably expect to hold permanent possession of both the French and the English colonies of North America. If, on the other hand, the English should capture the city of Quebec, France would be beaten, and she would be obliged to surrender her vast possessions in this new world to Great Britain. The English were successful. Wolfe

and Montcalm were both killed. Montcalm, when dying, said, "I am happy that I shall not live to see the surrender of Quebec." Wolfe, after receiving his mortal wound, being told that the French were fleeing everywhere, said, "Now God be praised! I die in peace." This was in the year 1760, and soon after the English completed the capture of Canada.

Had the French succeeded in this contest, the English colonies would have been obliged to surrender themselves to the domination of France. The French language, French customs, French laws, would have controlled America; but, on the other hand, as the English were victorious, France was swept from the continent of America, and not till the beginning of the present century did she again secure any foothold here. The treaty of 1763 between England and France was a great triumph for the English-speaking race.

One historian says, "England, proudly imperious, drunk with success, dictated humiliating terms to France, and robbed her of all her possessions in North America." Great Britain took possession of the entire valley of the St. Lawrence,—which carried with it all the country which we now know as British America,—and all the territory east of the Mississippi River. France was permitted to cede to Spain the terri-

tory west of the Mississippi River, lying between that river and the Rocky Mountains, which was known as the "Province of Louisiana." This may well be called the supreme moment in the history of North America. From this time onward it was manifest that England and the English-speaking people must dominate this country. Count De Vergennes, a distinguished French statesman, was at that time the French minister at Constantinople. As soon as he heard what the English demands had been, and that the French had lost all in North America, he said, "The English have overshot the mark. Their next step will be to tax their American colonies to help defray the expenses of this war. The Americans, then no longer needing the protection of England, will refuse to pay the tax, and strike off all dependence upon the mother country." This was in 1763. How true his prophecy was will readily appear when we observe that the Declaration of Independence was passed only thirteen years later. The British did tax the colonies, the colonies did refuse to pay the tax, and, the French power being entirely swept away, and the Spanish being far off beyond the Mississippi, they no longer feared any foreign nation, so that their own independence was only a question of time. The Stamp Act alienated the Americans,

the tax on tea exasperated them; hostilities were commenced, the Declaration of Independence was put forth, the war ensued, and the thirteen British colonies became an independent republic.

The surrender of Cornwallis upon the plains of Yorktown occasioned the resignation of Lord North, and an entire change in the British ministry. Yet it was more than a year before terms of peace could be agreed upon, and two years before the definitive treaty was signed.

The First Continental Congress. — Sept. 5, 1774, on the recommendation of Massachusetts, a Continental Congress consisting of delegates from twelve colonies assembled in Philadelphia. The youngest colony, Georgia, was not represented. This gathering came to be known as the First Continental Congress. Many distinguished men were members of it, such as John Adams and Samuel Adams of Massachusetts, Roger Sherman of Connecticut, John Jay of New York, Peyton Randolph, Richard Henry Lee, Patrick Henry, and George Washington of Virginia. Peyton Randolph was chosen president. The Congress adopted the following resolution: "That in determining questions in this Congress, each colony or province shall have one vote; the Congress not being possessed of, or at present able to procure, proper materials to ascertain the importance of each colony."

The adoption of this rule proved to be a matter of great importance subsequently, inasmuch as it continued in force through the entire Revolutionary War, and until the Federal Constitution went into effect in 1789.

The Congress drew up four papers, — an address to the king, another to the people of Great Britain, a third to the inhabitants of the colonies, and a fourth to the people of the province of Canada. They recommended that another Congress be called for the tenth of the following May, in case the grievances complained of were not previously redressed. No good results were obtained from these addresses to Great Britain, although several British statesmen, including Lord Chatham, spoke of them in terms of highest admiration.

SECTION III. — THE REVOLUTION.

Second Continental Congress. — In accordance with the vote of the First Congress, the Second Continental Congress assembled at Philadelphia on the 10th of May, 1775. This Congress continued in session until March, 1781, and after that date it had annual sessions till the Federal Constitution went into effect in 1789. This Second Continental Congress was in reality the national government through the Revolu-



THE STATE HOUSE, PHILADELPHIA, WHERE THE FEDERAL CONVENTION WAS HELD.

(REPRODUCED FROM AN OLD PRINT OF ONE HUNDRED YEARS AGO.)

tionary War. It appointed Washington as commander-in-chief of the army of the United Colonies; it adopted the Declaration of Independence; it assumed the power to carry forward all necessary measures for the defence of the country; it created a continental currency; it issued bills of credit; it established a treasury department and a general system of post-offices. It recommended that the several colonies should establish for themselves such forms of government as promised best to secure good order during the continuance of the controversy with Great Britain.

Articles of Confederation. — No sooner had independence been determined upon than it became obvious that the states would need some written articles which should bind them together and give proper authority to the Congress. A committee was therefore appointed to prepare "Articles of Confederation." These Articles were agreed upon by Congress on the 15th of November, 1777. They were to go into operation when ratified by all the states. Eleven states ratified them in the year 1778, Delaware in 1779, and Maryland March 1, 1781, at which time they went into effect. But this was nearly five years after the Declaration of Independence. During all this time the Continental Congress constituted the national government, and had made the treaty

between the United States and France. The Articles of Confederation made but little difference in the management of affairs. The Continental Congress went right on with its work in the same order as before, and about six months later the surrender of Cornwallis virtually closed the war. Prior to the adoption of these Articles the government had been revolutionary, the Congress governing by common consent of the people of the states. These Articles were the first attempt to draw the line between the powers of the national government and those to be exercised by the states severally. The tendency for state supremacy was strong. The colonies had been heretofore independent of each other, with only one common bond,—the common subjection to the mother country. It was the central government of Great Britain which had made arbitrary demands upon their rights and liberties. They were naturally timid of authority and fearful of centralized power. The Articles were therefore drawn up with the intention of leaving the largest possible powers with the several states, and of giving to the National Congress just as little power and authority as possible. They were “as erroneous in theory as they were inefficient in practice.” The object aimed at by them was to confederate the several states together for general

purposes of mutual assistance, especially in matters of protection against foreign foes.

Plan of the Confederation. — The Articles provided for one house of Congress composed of delegates from the several states. Each state was to pay its own delegates, and the voting on all questions was to be by states.

Matters of war and peace, treaties and alliances, were left with the Congress. This body could decide disputes between states, had charge of all postal matters, and power to regulate the value of money; but an affirmative vote of two-thirds of all the states was necessary for any important action to be taken. There was no executive department and no judiciary. Congress could apportion taxes among the states, but had no power to collect them. Each state could lay duties and imposts. Congress had not even power to enforce its own laws. It could borrow money, but could make no provision for its payment. It could appoint ambassadors, but could not defray the necessary expenses. It could declare war, but could not raise a single soldier. "In short, it could declare everything, but do nothing." The Congress ratified the treaty of peace between the United States and Great Britain, but this treaty was violated by the states, and Congress was powerless to prevent such violations.

The Confederation was merely a league between the states, embodying the greatest weakness when considered as a national government. Washington at an early day saw the difficulty and danger, and that a new constitution was the great problem of the time. Alexander Hamilton, one of the ablest statesmen of that day, as early as 1780 sketched the outline of a system of government which he thought to be necessary, and which embodied most of the essential features of our present constitution.

Federal Convention. — It had become entirely evident both to Congress and the people that the Confederation as a government was a failure. The states were issuing more and more paper money. Congress repudiated the national debt, and the states repudiated their debts. The country was rapidly becoming bankrupt. There were but few manufacturing establishments in America, and the coin of the country was constantly transferred to England in payment for vast quantities of manufactured goods sent over from that country to this. The several states were stripped of money. The credit of the states and of the Congress was gone, and the absolute collapse of the United States government was imminent.

Washington wrote to a member of Congress, "You talk, my good sir, of employing influence

to appease the present tumults in Massachusetts. Influence is not government. Let us have a government by which our lives, liberties, and properties will be secure, or let us know the worst at once."

Delegates from five states met in January, 1786, at Annapolis, Maryland, with reference to a uniform system of commercial regulations. They reported to Congress their unanimous conviction that a general convention of delegates from the several states should be called to take such action as would render "the Constitution of the Federal Government adequate to the exigencies of the Union." On the 21st of February, 1787, Congress adopted the following resolution: —

"RESOLVED, That, in the opinion of Congress, it is expedient that, on the second Monday in May next, a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union."

Delegates from all the states except Rhode

Island met at Philadelphia, Monday, May 14th, 1787. On the 25th, George Washington was unanimously elected President of the Convention. This Convention was without doubt the most celebrated gathering of able men ever seen in America.

Among the thirty-nine members of the Convention who subscribed their names to the Constitution, five, viz., Sherman, Franklin, Robert Morris, Read, and Washington, were signers of the Declaration of Independence; Washington and Madison were afterwards Presidents; Rutledge and Ellsworth became Chief Justices; Gerry was Vice-President, and Hamilton, Secretary of the Treasury; Livingston had been eleven times elected governor of his state; Wilson was famed in four universities and was esteemed the greatest constitutional lawyer of the Convention; and Dr. Franklin, then more than eighty years of age and very near the grave, rounded out his full life as a philosopher, statesman, diplomatist, by giving to his country at this her most critical period the great benefit of his own political experience. All of these men had been "identified with the heroic and wise councils of the Revolution."

The Convention had been called "for the sole and express purpose of revising the Articles of

Confederation.” It soon, however, became evident that the only way of rendering this instrument “adequate to the exigencies of government and the preservation of the Union ” was to throw it entirely away and frame a completely new document. At the very beginning of their discussions great differences of opinion were manifest. The members were generally divided into two classes, one favoring a strong national government, and the other opposed to anything which would tend to weaken state sovereignty or impair in any degree what they considered as state rights. Here then was the origin of the two great political parties, which have divided the American people from that day to this,—the states rights party and the national or federal party.

But there were other questions of no small difficulty which they were also obliged to meet at the outset: such as the diverse interests and jealousies of large and small states, of free and slave states, of states agricultural and commercial; and should the states have equal power in the national government, or should that power be proportional to the population of the several states.

Washington almost despaired, Franklin was seriously alarmed; but influenced by a spirit of mutual forbearance and concessions, various compromises were proposed and agreed to concerning

slavery, and especially in providing for an equality of the states in the Senate, and representation by population in the House. The present Constitution of the United States was agreed to by the convention, and received the signatures of members from all the participating states. This result was reached only by the most consummate wisdom, the most lofty patriotism, and such a degree of skill and ability as has seldom, if ever, elsewhere been witnessed in any assemblage of men. Washington said, "It appears to me little short of a miracle."

The Constitution was finally agreed to by all the states present on the 15th of September, 1787. This was on Saturday. On the following Monday it was signed by the members, and submitted to the Congress. The votes throughout the whole time of the Convention had been by states, as in the Continental Congress. The Congress transmitted the new Constitution to each state, recommending its ratification. Although the Articles of Confederation provided that no change should be made in them except by a vote of every state, yet the Constitution provided that the new government should go into effect when ratified by conventions of the people of nine states.

For a long time it was uncertain whether the Constitution would be adopted or rejected. Most

of the smaller states were in its favor. Its adoption was closely contested in New York, Massachusetts, and Virginia. In a little less than one year from its adoption by the Convention, it had been ratified by eleven of the states. Congress then took measures to put the new government into operation. Elections of presidential electors, and of senators and representatives in Congress, were held in January, 1789. The presidential electors voted for President on the first Wednesday of February; and the first Wednesday of March was decided upon by Congress as the time when the new Constitution should go into effect.

George Washington was unanimously elected President, and John Adams was elected Vice-President. On the 4th of March the senators and representatives assembled in New York, the new Constitution went into legal operation, and proceedings were commenced under it. It was not, however, until the first day of April that a quorum of members in both houses was obtained, and on that day Congress began the transaction of business. Washington took the oath of office, and delivered his inaugural address, on Thursday, April 30th. On May 1st John Adams took his seat as president of the Senate. North Carolina ratified the Constitution in November, 1789; and Rhode Island, in May, 1790.

Dates of Ratification.— The following are the dates of the ratification of the Constitution by each of the thirteen original states:

- (1) Delaware, Dec. 7, 1787.
- (2) Pennsylvania, Dec. 12, 1787.
- (3) New Jersey, Dec. 18, 1787.
- (4) Georgia, Jan. 2, 1788.
- (5) Connecticut, Jan. 9, 1788.
- (6) Massachusetts, Feb. 6, 1788.
- (7) Maryland, April 28, 1788.
- (8) South Carolina, May 23, 1788.
- (9) New Hampshire, June 21, 1788.
- (10) Virginia, June 26, 1788.
- (11) New York, July 26, 1788.
- (12) North Carolina, Nov. 21, 1789.
- (13) Rhode Island, May 29, 1790.

Thus was put into operation the Constitution of the United States of America, which Gladstone, who is considered by many the greatest statesman of this age, has pronounced to be “the most wonderful work ever struck off at a given time by the brain and purpose of man.”

It may truly be said that it embodies profound political wisdom and far-reaching statesmanship, while it jealously guards the rights of the people, providing various checks and safeguards against unjust, unwise, or dangerous legislation; and yet “in its words it is plain and intelligible, and is

meant for the homebred, unsophisticated understandings of our fellow-citizens."

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the "Contest of the Kings"?
2. Where was the first permanent Spanish settlement in the United States?
3. Where the first permanent English settlement?
4. Draw a map of North America, showing Spanish, French, and English control at the middle of the eighteenth century.
5. Draw a map showing the English and Spanish territory after 1763.
6. Describe the battle of Quebec.
7. What was the "Supreme Moment in American History," and why so called?
8. First Continental Congress.
9. What important rule did it adopt?
10. When did the Second Continental Congress convene?
11. Name the essential points of weakness in the Articles of Confederation.
12. Describe the Federal Convention.
13. When did the Convention submit the Constitution to Congress?
14. When did the Constitution go into effect?

BLACKBOARD OUTLINE.



THE LEGISLATIVE DEPARTMENT.—THE CONGRESS.

THE HOUSE OF REPRESENTATIVES.

The Number of Representatives.	Territorial Delegates.
Qualifications.	Officers.
Impeachments.	

THE SENATE.

Senators, how chosen.	Presiding Officer.
Qualifications.	Officers of the Senate.
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PROVISIONS RELATING TO BOTH HOUSES.

Sessions of Congress.
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THE POWERS OF CONGRESS.

Duties on Imports.	Coin Money.
Naturalization.	Weights and Measures.
Bankruptcies.	The "Sweeping Clause."

RESTRICTIONS UPON THE NATIONAL GOVERNMENT.

PART SECOND.

THE NATIONAL GOVERNMENT.



CHAPTER I.

THE LEGISLATIVE DEPARTMENT.

SECTION I. — THE CONGRESS.

The Preamble. — The purpose of the Constitution of the United States is fully stated in the preamble. It is as follows: —

1. To form a more perfect union.
2. To establish justice.
3. To insure domestic tranquillity.
4. To provide for the common defence.
5. To promote the general welfare.
6. To secure the blessings of liberty to ourselves and our posterity.

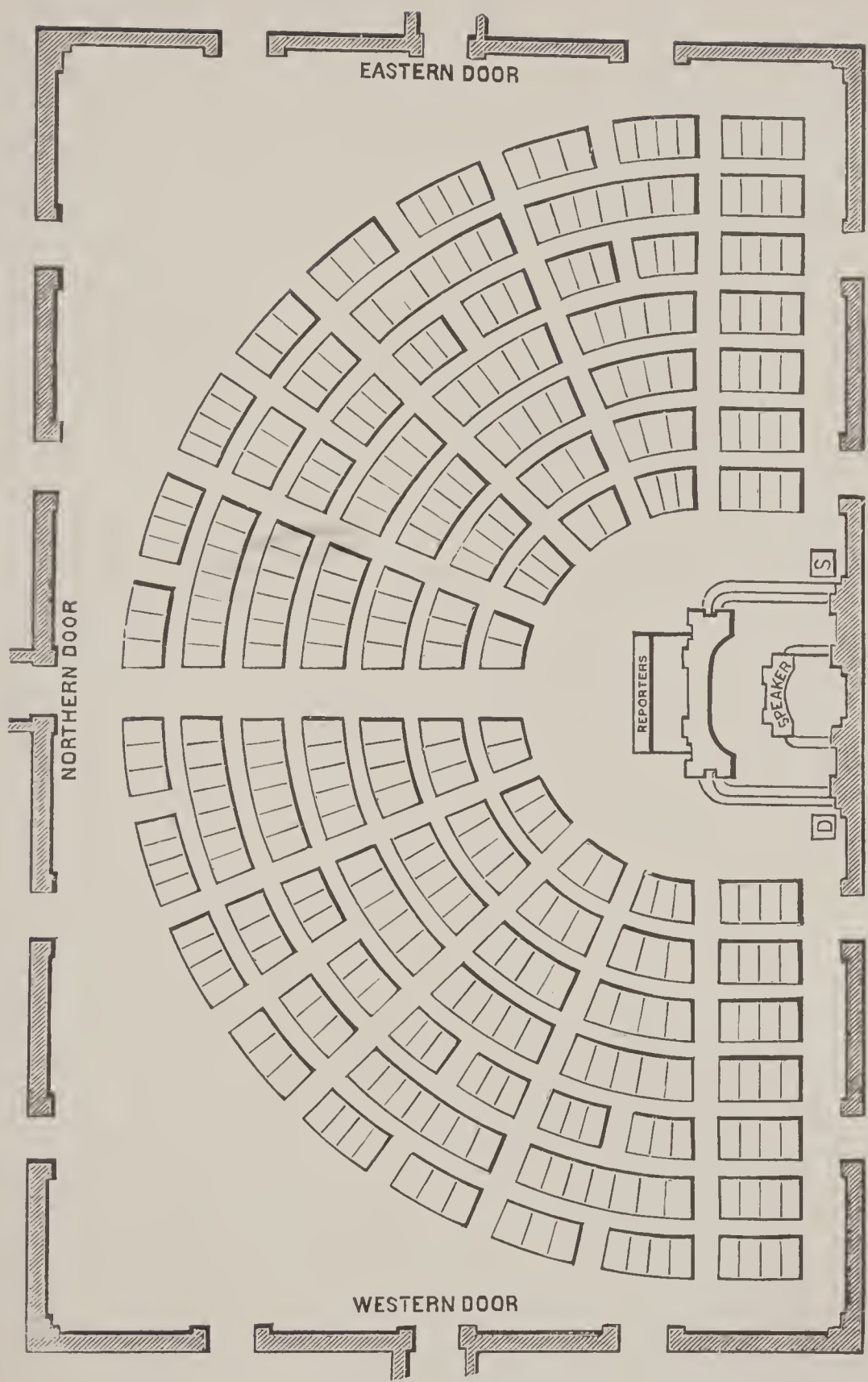
The National Element of Slow Growth. — The beginning of the nation was July 4th, 1776. During the Revolution and under the Articles of Confederation, great diversities prevailed among the people as to the proper limits of state rights and the proper extent of the Federal power. The weakness of the Articles of Confederation

rendered it very clear that the national government must have conferred upon it more extended powers. The Constitution was a compromise in many respects between divergent parties, but on the question of national supremacy there was no compromise. The Articles of Confederation constituted an agreement or bond between the several states which were specified by name. The Constitution, on the other hand, was not a league of states, but a fundamental law adopted by the people of the whole country. Its first sentence, called the preamble, is especially significant: —

“We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

SECTION II. — THE HOUSE OF REPRESENTATIVES.

By the Constitution all legislative powers for the national government are vested in a Congress of the United States, which consists of two houses, the Senate and the House of Representatives. As has already been stated, the people were influenced largely in organizing their new government by the plans and methods which they



THE HALL OF THE HOUSE OF REPRESENTATIVES, WASHINGTON.

had been familiar with in the mother country. Hence it was simply natural that following the example of the British Parliament, which consisted of the House of Lords and the House of Commons, two separate houses should here be provided for.

During the revolutionary government and under the Articles of Confederation, the Continental Congress had consisted of but one house. The states, however, in forming constitutions for themselves had, without exception, introduced the plan of two houses.

The House of Representatives. —

“The House of Representatives shall be composed of members chosen every second year by the people of the several states.”

Under the Confederation the members of Congress were chosen annually, and in such manner as the legislature of each state should authorize. The Constitution provides that representatives shall serve for two years, and that they shall be elected by “the people.” Each state prescribes by law how the members of the state legislature shall be elected, and who shall have power to vote for such members. The Constitution prescribes that any one who can vote for a member of the House of Representatives in that state, can vote for a member of the National House of Representatives.

Qualifications. — Three qualifications, and only three, are required for a representative in Congress.

1. He must be at least twenty-five years of age.
2. He must have been seven years a citizen of the United States.
3. He must, when elected, be an inhabitant of that state in which he shall be chosen.

The Number of Representatives. — Every ten years after the census returns have been made, Congress provides by law for the number of representatives for the next ten years which each state shall be entitled to. It first determines how many members there shall be in the House, and it then apportions these members according to the population of the several states. The number of representatives for the different decades and the number of inhabitants for one representative during the last one hundred years have been as follows : —

Period.	No. of Members.	Ratio of Population.
1789-1793	65	—
1793-1803	105	33,000
1803-1813	141	33,000
1813-1823	181	35,000
1823-1833	212	40,000
1833-1843	240	47,700
1843-1853	223	70,680
1853-1863	234	93,500
1863-1873	241	127,941
1873-1883	292	130,533
1883-1893	325	151,911
1893-1903	356	173,902

Sometimes the actual number of representatives has been greater than the number here given on account of the admission of new states. By the above table, it will be observed that at the present time the required number of inhabitants for one representative is 173,902, but every small state is entitled to one representative even if its population is less than the above number.

Territorial Delegates. — Each organized territory is allowed by law of Congress to send one delegate to the House. He may participate in the discussions, but he is not allowed to vote.

In the fifty-first Congress (1890), Washington, Montana, Dakota, Idaho, and Wyoming having been admitted as states, and Oklahoma organized as a territory, there were four territorial delegates.

Officers. —

“The House of Representatives shall choose their Speaker and other officers.”

The Speaker is the presiding officer of the House. The Speaker is chosen from the members of the House and can vote on every question like any other member. The other officers of the House are: —

- | | |
|----------------------|-----------------|
| 1. Clerk. | 3. Door-keeper. |
| 2. Sergeant-at-arms. | 4. Postmaster. |
| 5. Chaplain. | |

At the organization of each new Congress, the clerk of the preceding House presides till a Speaker is chosen.

Impeachment. — The House of Representatives has the sole power to impeach civil officers of the United States. When an officer is impeached, the House brings impeachment, specifying the charges against him, before the Senate. The method of impeachment is as follows: the House appoints a committee to inquire into the conduct of the officer who has been charged with improper acts. If this committee reports in favor of impeachment, the House votes upon the question. If the majority vote that the officer shall be impeached, articles are prepared specifying the charges, and action is taken upon each article. Then a committee is appointed to conduct the prosecution before the Senate. It is noticeable that but few officers have ever been subject to impeachment. Indeed, in one hundred years but seven cases of impeachment have occurred. They are as follows: —

1. William Blount, Senator. 1799. Acquitted.
2. John Pickering, Judge. 1803. Convicted and removed from office.
3. Samuel Chase, Judge. 1804. Acquitted.
4. James H. Peck, Judge. 1830. Acquitted.
5. West H. Humphreys, Judge. 1862. Convicted

and disqualified from holding any office of honor, trust, or profit under the United States.

6. Andrew Johnson, President. 1868. Acquitted.
7. W. W. Belknap, Secretary of War. 1876. Acquitted.

Thus it will be seen that of these seven cases of impeachment there have been only two convictions, one of whom was simply removed from office, and the other was disqualified from holding office.

SECTION III. — THE SENATE.

The Senate consists of two members from each state. The peculiar composition of the Senate was occasioned by the natural jealousy which existed between the states. It has already been seen that the several colonies became states, preserving their original boundaries. During the entire time of the Continental Congress all votes were taken by states, each state having but one vote. When the convention was framing the Constitution, the jealousy between the small states and the larger was strongly apparent: The larger states very naturally felt that they should have a stronger voice in legislative matters than the smaller states. On the other hand, the smaller states were unwilling to yield the equal power which had hitherto been accorded to them.

A compromise was effected by which the House of Representatives should be constituted upon a basis of population, and in the Senate the equality of the states should be retained. The Constitution provides that, —

“The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereto for six years; and each senator shall have one vote.”

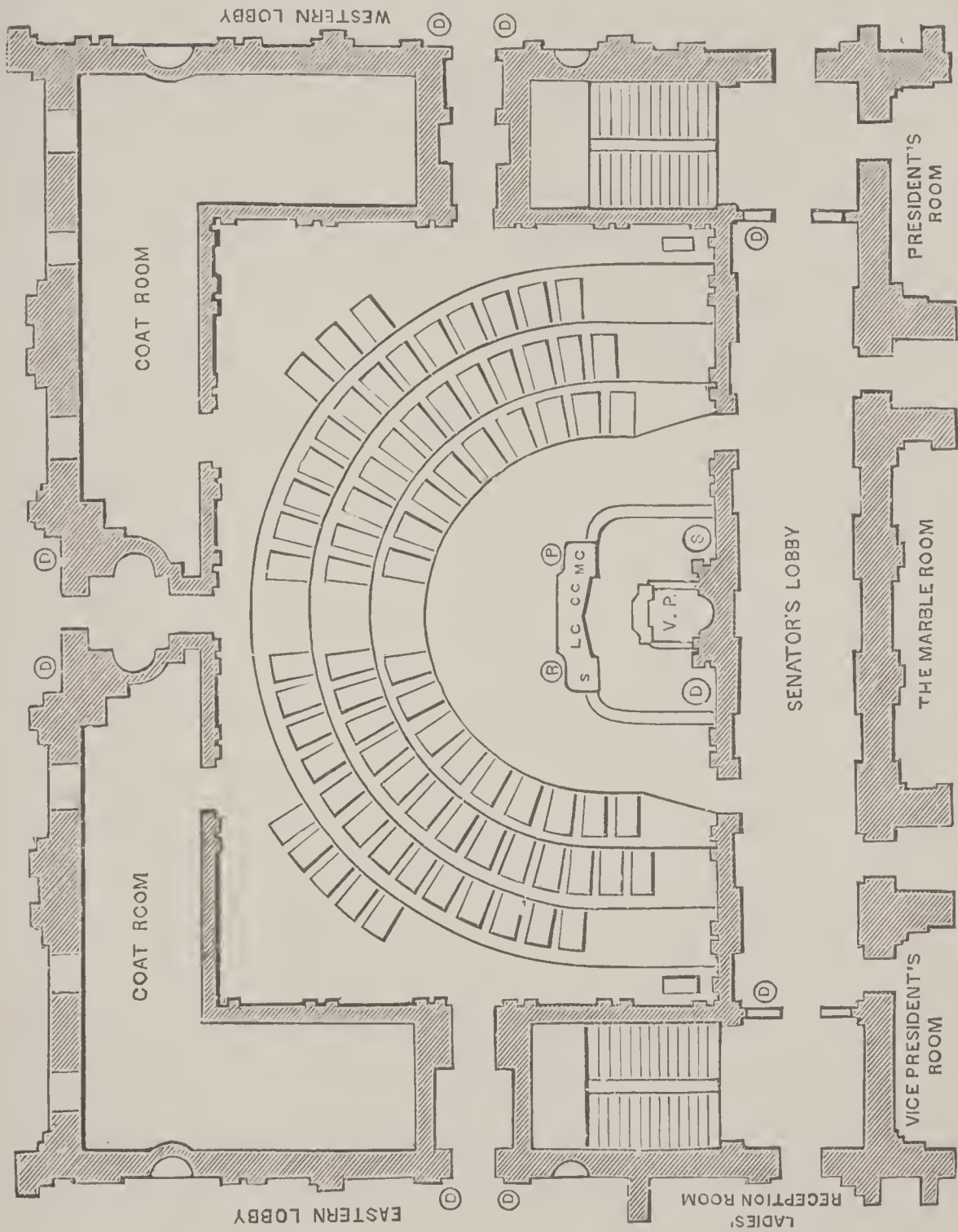
This clause contains four distinct provisions: —

1. There shall be two senators from each state.
2. They shall be chosen by the legislature of the state.
3. They shall be chosen for the term of six years
4. Each senator shall have one vote.

Senators: how chosen. — In regard to the mode in which the legislatures are to choose the senators, the Constitution is silent.

By an act of Congress passed July 25, 1866, it is provided that when the legislature of any state is to elect a senator in Congress, it shall proceed to the election of such senator on the second Tuesday after the organization of the legislature, and the election shall be conducted as follows: —

Each house shall, by a *viva voce* vote, name a person for senator, and the name of the person who receives a majority vote shall be entered in



THE SENATE CHAMBER, WASHINGTON.

the journal of the house. If the house fails to give such a majority to any person, that fact shall be entered on the journal. On the next day at twelve o'clock the members of the two houses shall convene in joint assembly, and the journal of each house shall be read, and if the same person has received a majority of all the votes in each house, he shall be declared fully elected senator. If no one has such a majority, the joint assembly shall choose, by a *viva voce* vote of each member present, a person for senator. The person having a majority of all the votes of the joint assembly shall be declared elected. If there is no election that day, the joint assembly shall meet at twelve o'clock on each succeeding day, and shall take at least one vote each day until a senator is elected.

The senators are divided into three classes, and, as they are chosen for six years, one-third of the whole number is chosen every second year. The representatives are chosen for two years, which is the length of time covered by one Congress. Whenever a new Congress convenes, one-third of the senators are either new members, or have been re-elected for a new term. It will be observed, that as one-third of the senators go out of office every two years, the Senate is a continuous body; while the members of the

House are all swept off at once, and a new election brings in a new House every second year.

Qualifications. — The qualifications of the senator are three : —

1. He must be at least thirty years of age.
2. He must have been nine years a citizen of the United States.
3. He must, when elected, be an inhabitant of the state in which he is chosen.

Presiding Officer. — It will be seen farther on, that the executive officer of the United States is the President. The Vice-President is chosen for the purpose of taking the place of the President when a vacancy in that office occurs ; but unless some other duties were placed upon him, the Vice-President would have nothing to do so long as the President held his office ; hence the convention determined to make him presiding officer of the Senate, which is done in the following clause : —

“The Vice-President of the United States shall be president of the Senate, but shall have no vote unless they be equally divided.”

The speaker of the House is a member of the House ; but as the equality of the states is preserved in the Senate, it would seem best to select the presiding officer from outside that body.

The Vice-President would be likely to be less partial as a presiding officer than a senator would be, since he is elected by the whole country and not by a single state.

Officers of the Senate.—The Senate shall choose their officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States. The officers of the Senate are :—

- | | |
|---------------------|----------------------|
| 1. The Secretary. | 4. Sergeant-at-arms. |
| 2. Chief Clerk. | 5. Door-keeper. |
| 3. Executive Clerk. | 6. Chaplain. |

The Trial of Impeachments.—When the Senate is to try an impeachment, it sits as a court, and every senator must be on oath or affirmation.

“When the President of the United States is tried the chief-justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present.

“Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States ; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.”

SECTION IV. — PROVISIONS RELATING TO BOTH
HOUSES OF CONGRESS.

Sessions of Congress. —

“The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.”

Although the new Congress comes into existence on the fourth of March in each odd year, yet the first regular session will begin on the first Monday of December following. This first session may hold through an entire year, but if the business be completed Congress may adjourn at any time during the year. The second regular session begins on the first Monday of December following, and must close by the fourth of the next March, at which time the new Congress comes into existence.

“Each house is the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business.”

Each house also determines, —

“The rules of its proceedings, punishes its members for disorderly behavior and with the concurrence of two-thirds may expel a member.”

Salary of Senators and Representatives. —

The senators and representatives are paid out of the treasury of the United States. Congress has, from time to time, increased the compensation of its members from six dollars a day in the House, and seven dollars a day in the Senate, until, by a law passed in 1874, the compensation of each representative and each senator was fixed at five thousand dollars per annum. The pay of the Speaker of the House and of the Vice-President, or if there is none, the President of the Senate *pro tempore*, is eight thousand dollars per annum. In addition to his salary every member of either house is allowed mileage, in coming and going between his home and Congress, twenty cents per mile for every mile of travel by the usual route.

“ All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose or concur with amendments as on other bills.”

This clause is adopted from the custom of the British Parliament. There, revenue bills must originate in the House of Commons. There is very little necessity in our present circumstances for this restriction. Raising revenue is understood to be confined to levying taxes. It is the custom for the Senate to originate bills which

imply the raising of money, or which will require the raising of money, as for example, bills to establish post-offices, the mint, to regulate the sale of public land, etc.

SECTION V. — THE POWERS OF CONGRESS.

We come now to the consideration of the powers vested by the Constitution in the Congress. It should be remembered that when the Constitution was framed, the controversy was sharp and spirited between those who favored bestowing large powers upon the national government, and those who, fearing that evils would result from such a course, were strenuous in their belief that large powers should be retained by the governments and the people of the several states. In consequence of this controversy, the Constitution defines somewhat minutely special subjects upon which Congress shall have power to legislate. It does not, however, contain an exhaustive enumeration of the powers of Congress, and does not mean that Congress shall not legislate on any subjects not here enumerated. This is evident from the fact that power is given to Congress

“To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in

the government of the United States, or in any department, or officer thereof.”

Elsewhere, the Constitution requires of Congress the exercise of powers not particularly mentioned ; and in different places it implies that Congress must do certain things, which are not expressly provided for in the section specifying its particular powers.

The Constitution expressly enumerates the following powers : —

The Congress has power

“To lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defence and general welfare of the United States ; but all duties, imposts, and excises shall be uniform throughout the United States.”

This gives to Congress the power to levy taxes for three purposes : —

1. To pay the public debt.
2. To provide for the common defence.
3. To provide for the general welfare.

The general government may levy a tax in three ways : —

1. A direct tax upon persons, which may be either a poll tax or a property tax.
2. An indirect tax upon goods imported into the country from abroad.

3. An indirect tax upon goods manufactured and used here.

Previous to the civil war a direct tax had been laid but four times—in 1798, 1813, 1815, 1816. These taxes were levied upon lands, houses, and slaves. To pay the debt incurred in the civil war, direct taxes were again levied in 1861 and subsequently.

Duties on Imports.—This government, during most of its existence, has been committed to the policy of laying duties on goods manufactured abroad and imported into this country. These duties on imports are of two kinds:—

1. Specific duties.

2. *Ad valorem* duties.

A specific duty is a tax levied on goods by weight, measure, or bulk; as, for example, a duty of fifty cents a yard on broadcloth, one dollar a ton on iron, or twenty cents a gallon on molasses.

An *ad valorem* duty is levied according to the value or cost of the goods, as, ten per cent on iron, fifty per cent on the cost of brandy. These duties are collected under the direction of the treasury department.

Naturalization.—Another power committed to Congress is, “to establish a uniform rule of naturalization.”

Naturalization is an act by which a foreigner, called an alien, becomes a citizen of the United States. Under the confederation, each state passed laws naturalizing aliens.

It is to be noticed that there has been a constant growth of national power. At first the several states were unwilling to give up their power to the federal government. Through the whole history of the nation, the dividing line between political parties has been upon this principle. One party has favored large state rights, and a minimum national power. The other party has advocated a strong national power. Here is an illustration: The laws upon the subject of naturalization, and the qualifications requisite in the different states were so various, that confusion and controversy resulted. To remedy these evils the Constitution gives Congress full power over the subject of naturalization, so that the laws shall be uniform throughout all the states. An alien coming to this country from a foreign land must make application for citizenship; this is called his "declaration of intention." This declaration must be made at least two years before he can receive his naturalization papers. In this declaration he must declare on oath or affirmation that it is his intention to become a citizen of the United States, and to renounce all allegiance

to the government of which he is at the time or has been a subject.

Before he can receive his naturalization papers he must have resided in this country at least five years. There is one exception to this law. By an act passed in 1862, a soldier of the age of twenty-one years and upward, regularly discharged from the army of the United States, may be admitted to citizenship without a previous declaration of intention and with a single year's residence. The children of a naturalized foreigner, who are under twenty-one years of age, residing in this country at the time the father received his naturalization papers, are considered citizens. The children of a citizen, who are born abroad, are citizens of the United States.

When foreign territory has been incorporated into the Union, by treaty or otherwise, Congress has exercised the power of granting naturalization without previous residence. When territory is annexed to this country, the President and Senate have naturalized the inhabitants of such territory *en masse*.

Bankruptcies. — The Congress also has power to make "uniform laws on the subject of bankruptcies throughout the United States."

In England, the term *bankrupt* is generally limited to traders who fail to pay their debts,

while the word *insolvent* was applied to those not paying their debts who were not engaged in trade. The general usage, however, in the United States, has been to make the words *bankrupt* and *insolvent* synonymous. In reality, a person is insolvent when he cannot pay his debts. He becomes a bankrupt by legal proceedings under a bankrupt law. Congress has exercised this power to pass uniform laws on bankruptcies at three different times. The first bankrupt law was passed in 1800, and repealed three years later. The second was passed in 1841, and repealed within two years. The third was in effect from 1867 to 1878. No national bankrupt laws are in force now. It is held that if Congress does not exercise its power to pass a bankrupt law, the several states can do so. The state laws are usually termed insolvent laws.

Coin Money. — The Congress has power, —

“To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.”

An Act of Congress passed in 1873 provided for the following coins: —

1. Gold: The dollar piece; the two-dollar-and-a-half piece, or quarter-eagle; the three-dollar piece; the five-dollar piece, or half-eagle; the ten-dollar piece, or eagle; and the twenty-dollar piece, or double-eagle.

2. Silver: The dollar, half-dollar, quarter-dollar, and dime.

3. The "minor coins" are the five-cent piece and three-cent piece and one-cent piece. Two-cent pieces are not now coined.

Weights and Measures. — This clause gives to Congress power "to fix the standard of weights and measures." It is proper that the standard of weights and measures should be connected with money. The price or value of any commodity is fixed in money terms; but this commodity is either weighed or measured, and, therefore, the power which coins the money should fix the standard of weights and measures. Our weights and our measures have come to us through the ancient usages of Great Britain. It appears strange that the world should not have earlier established a uniform system. That *twelve* inches should make a foot, and *three* feet a yard, and that *five and a half* of this denomination should make a rod, and that *forty* of this is called a furlong, and that *eight* furlongs are a mile, is not complimentary to the civilization of our ancestors.

We made a great gain when this government established our coins on the decimal system: ten cents make a dime, and ten dimes a dollar, and ten dollars an eagle. It will be a greater gain

when the metric system for all weights and measures shall have come into universal use. The metric system has been legalized by an act of Congress; but it is to be feared that the day is somewhat distant when it shall have come into general use in this country.

Various Powers. — Congress has power, —

“To provide for the punishment of counterfeiting the securities and current coin of the United States.

“To establish post-offices and post-roads.”

Congress has power to grant copy rights to authors and patent rights to inventors.

“To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

“To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

“To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

“To make rules for the government and regulation of the land and naval forces.”

“The Sweeping Clause.” — The final clause, enumerating the powers conferred by the Constitution upon Congress, reads as follows:—

“To make all laws which shall be necessary and proper for carrying into execution the foregoing powers,

and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

This clause is what Patrick Henry called "the sweeping clause," by which, as he thought, Congress was to overthrow the states. Great opposition to this clause was manifested by the state-rights party during the time in which the Constitution was under discussion by the people and by state conventions prior to its adoption.

Nothing is plainer than that the government has under this Constitution full national powers, and is limited only by the restrictions imposed by the Constitution itself. Judge Story says: "It would be almost impracticable, if it were not useless, to enumerate the various instances in which Congress, in the progress of the government, has made use of incidental and implied means to execute its powers. They are almost infinitely varied in their ramifications and details."

Chief-Justice Marshall says: "A power vested carries with it all those incidental powers which are necessary to its complete and efficient execution."

This principle has been acted upon by the general government from 1789 to the present day.

SECTION VI. — RESTRICTIONS UPON THE NATIONAL GOVERNMENT.

The Constitution provides, that the slave trade could be prohibited by the Congress after the year 1808. At that time a law of Congress went into effect imposing heavy penalties upon persons engaged in the slave trade. In 1820 the slave trade was declared to be "piracy," to be punished with death.

Since the late civil war, our nation has happily been freed from the incubus of human slavery.

The Constitution expressly prohibits any *ex post facto* law and any bill of attainder.

It is also provided that direct taxes levied by the national government shall be in proportion to the population, and that no title of nobility shall be granted by the United States, and also that "No money shall be drawn from the treasury but in consequence of appropriations made by law."

RESTRICTIONS UPON THE STATES.

It may also be stated just here that the Constitution places the following restrictions upon the several states: —

1. No state shall enter into any treaty, alliance, or confederation.

2. Grant letters of marque and reprisal.
3. Coin money.
4. Emit bills of credit.
5. Make anything but gold and silver coin a tender in payment of debts.
6. Pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.
7. Or grant any title of nobility.

NOTE. — *Who can Vote.* On page 77 it is stated, "Each state prescribes by law how the members of the state legislature shall be elected, and who shall have power to vote for such members."

Every state, either by its Constitution or its statutes, prescribes the limit of suffrage. In general, this limit has heretofore been what is called "manhood suffrage"; *i.e.* every male citizen, twenty-one years old, not a pauper or an idiot, could vote. Within a few years many states have extended the privilege of suffrage to women. The state of Wyoming gives the same political rights to women as to men. In Kansas women have municipal suffrage, and also, in unincorporated towns, the right to vote on the question of liquor licenses. In twenty-three states women have the right (more or less restricted in some states) to hold office in connection with the management of public schools. Twenty states have conferred upon woman power to vote for school officers. In fifteen of these states a woman can both vote upon school questions and hold office. These fifteen states are as follows: Colorado, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, South Dakota, Idaho, Montana, Vermont, Washington, Wisconsin, Wyoming.

The additional states giving women the right to vote upon school questions are the following: Indiana, Kansas, Kentucky, Nebraska, Oregon.

Those additional where women can hold office are the following: California, Connecticut, Illinois, Iowa, Louisiana, Maine, Pennsylvania, Rhode Island.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What are the purposes of the Constitution?
2. Describe the growth of the national element.
3. What advantages from having two houses of Congress?
4. How are the representatives to Congress chosen?
5. Qualifications.
6. Number of representatives.
7. Territorial delegates — how many? What for?
8. Officers of the House — what are they and how chosen?
9. Who is liable to impeachment, and how is impeachment brought about?
10. Senators — how chosen?
11. Qualifications of senators.
12. Presiding officer in Senate and other officers.
13. The trial of impeachments — how carried on?
14. What is meant by a “session” of Congress?
15. What is meant by a “Congress”?
16. Are the salaries of senators and members of Congress the same? Why should they be?
17. Tell us all about “national taxes.”
18. Meaning of *ad valorem* and *specific*.
19. Describe the process for becoming naturalized.
20. Discriminate the meaning of the words “bankrupt” and “insolvent.”
21. What was Patrick Henry’s objection to the “sweeping clause”?
22. Name some restrictions upon Congress. Where are they found in the Constitution? Read in full the section.
23. Name the restrictions here placed upon the several states. What section and article in the Constitution is this?

BLACKBOARD OUTLINE.



THE EXECUTIVE DEPARTMENT.

The President.		The Vice-President.
How Elected.		

PRESIDENTIAL ELECTORS.

How many.		Vote when.
How elected.		Votes counted when.
When elected.		President inaugurated when.



President's Qualifications.		Presidential Succession.
President's Duties.		Executive Departments.

CHAPTER II.

THE EXECUTIVE DEPARTMENT.

IN the natural order of things, we have considered, first the legislative department of our national government. We now proceed to examine the second great department, the executive power. This is treated of under the second article of the Constitution which begins as follows:—

“The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:”

By this clause we observe that,—

1. The executive power is vested in one person.
2. He is elected for the term of four years.
3. The Vice-President is elected for the same term.

The following is the list of the Presidents, with their terms of office:—

1. George Washington, two terms, 1789 to 1797.
2. John Adams, one term, 1797 to 1801.
3. Thomas Jefferson, two terms, 1801 to 1809.
4. James Madison, two terms, 1809 to 1817.

5. James Monroe, two terms, 1817 to 1825.
6. John Quincy Adams, one term, 1825 to 1829.
7. Andrew Jackson, two terms, 1829 to 1837.
8. Martin Van Buren, one term, 1837 to 1841.
9. William Henry Harrison, one month, 1841.
10. John Tyler, three years and eleven months, 1841 to 1845.
11. James K. Polk, one term, 1845 to 1849.
12. Zachary Taylor, one year and four months, 1849 to 1850.
13. Millard Fillmore, two years and eight months, 1850 to 1853.
14. Franklin Pierce, one term, 1853 to 1857.
15. James Buchanan, one term, 1857 to 1861.
16. Abraham Lincoln, four years and one month, 1861 to 1865.
17. Andrew Johnson, three years and eleven months, 1865 to 1869.
18. Ulysses S. Grant, two terms, 1869 to 1877.
19. Rutherford B. Hayes, one term, 1877 to 1881.
20. James A. Garfield, four months, 1881.
21. Chester A. Arthur, three years and eight months, 1881 to 1885.
22. Grover Cleveland, one term, from 1885 to 1889.
23. Benjamin Harrison, from 1889 to —

It will be seen by the above table that we have had twenty-two Presidents in one hundred years. Of these, seven have been elected for a second term. Four Vice-Presidents have succeeded to the presidency by the death of the President.



THE EXECUTIVE MANSION.

THE TREASURY BUILDING.

THE CAPITOL.

A VIEW IN WASHINGTON.

Presidential Electors. — The Constitution says that, —

“Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress ; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.”

The several points embodied in this clause are as follows : —

1. The President is appointed by electors, and not by the immediate vote of the people.
2. The number of electors in each state.
3. Any person holding a United States office is prohibited from being an elector.

It was thought by the framers of the Constitution, that, if the direct choice of the President was taken from the people, and placed in the hands of electors chosen by the people, who would unquestionably be selected from the ablest and most trustworthy men of the nation, a wiser choice of President would be insured than if the people of the whole country were to vote directly for this officer. It was evidently the thought of the framers of the Constitution, that, after the electors had been appointed, they should meet and discuss the question and then determine for

whom their votes should be cast. The result, however, has proved that the election of President is not left in the hands of the electors, but is, in reality, determined by the people when they elect the presidential electors.

According to the custom which now prevails, the electors are practically pledged beforehand to vote for a certain candidate, who has been previously nominated in a national convention of a political party. The electors therefore exercise no discretion in their vote.

Number of Electors. — The number of electors is determined by the Constitution.

1. In the first place, each state is entitled to two electors corresponding to the equality of the states in the Senate.

2. In addition to these two, the number of electors to which each state is entitled, is fixed in accordance with the population of the state. We have seen that Congress determines once in ten years the number of representatives to which each state is entitled in the Congress. Each state is then entitled to as many electors as it has representatives in Congress. The whole number of electors therefore for each state is equal to the whole number of representatives and senators which that state sends to the Congress.

Time of choosing Electors. — The day for choosing the electors was fixed by an act of Congress, passed in 1845, as the Tuesday next after the first Monday in November. All the states choose their electors on the same day. The legislature of each state directs the manner in which these electors shall be elected. There have been heretofore four different modes of electing the electors: —

1. By joint ballot of the state legislatures.
2. By a concurrent vote of the two branches of the legislature.
3. By the popular vote of the state on one joint ticket.
4. By the people voting in districts.

The method now adopted by all the states is that of the people of the whole state voting by general ticket. By this method the vote of no state is divided, but the entire state vote is counted for the electoral college as nominated by one party or another.

Electors Vote. — In accordance with an act passed by Congress, February 3d, 1887, the electors meet in their respective states on the second Monday in January, to give their votes for President and Vice-President.

The electors give separate votes for the President and Vice-President by ballot. They then make three certificates of all the votes given.

These certificates they must sign and seal, and certify on each certificate that there is contained within a list of the votes of the electors of such a state (naming it), for President and Vice-President. One of these certificates is delivered to the judge of the United States District Court for that district in which the electors are assembled. A second certificate is forwarded forthwith, by mail, to Washington, directed to the President of the Senate. The electors appoint a person as special messenger to take the third certificate, carry it to Washington and deliver it to the President of the Senate. This special messenger is paid a sum fixed by law, on the mileage principle. The three certificates of the election of these electors are transmitted with the certificates of their votes.

Votes Counted. — The votes for President and Vice-President are counted on the second Wednesday of February in the hall of the House of Representatives in presence of both houses of Congress, the President of the Senate presiding. On that day the Senate marches in a body from the senate chamber to the other wing of the Capitol, and enters the hall of the House, the members of the House standing to receive them. All being seated, the President of the Senate opens the certificates in the presence of the two

houses, and hands them to the tellers, previously appointed by the two houses respectively, who count the votes, state by state, in alphabetical order, beginning with the letter A, and each vote, together with the aggregate vote, is declared by the presiding officer. This method gives dignity and insures fairness in the proceeding.

Election by the House. — In case no person receives a majority of the votes cast by the electors for President, the choice of a President is referred to the House of Representatives. The House must immediately proceed to the election of President, and the members are restricted in their votes to the three highest candidates in the vote by the electors. In thus voting for the President, the vote must be taken by states, the representatives from each state having one vote. The vote cannot be taken except a quorum shall be present, and this quorum is determined by the Constitution to be one or more representatives present from two-thirds of the states. It is possible that the House might be so divided as to be unable to elect any one of these three highest candidates. The Constitution provides for this emergency. The House must continue voting until the fourth day of March, when the session and the Congress expires. In case they make no choice prior to that date, then the Constitution

provides, that “ The Vice-President shall act as President, as in the case of death, or other constitutional disability of the President.”

Vice-President elected by the Senate. — If there is no election of Vice-President by the electors, the Senate, immediately after the vote has been counted, — that is, on the second Wednesday in February, — proceeds to choose a Vice-President. There must be a quorum present for this purpose; and the Constitution fixes that quorum as two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. The senators must choose the Vice-President from the two highest numbers on the list voted for by the electors.

As the Vice-President may become President, the Constitution wisely provides that, —

“No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.”

Qualifications. — The qualifications for President are as follows: —

1. He must be a native-born citizen.
2. He must have attained to the age of thirty-five years.
3. He must have been for fourteen years a resident within the United States.

No other qualifications than these three are fixed by the Constitution. The qualifications for the Vice-President are the same as for the President.

Observe the qualifications requisite for representatives to Congress, for senators, and for the President and Vice-President.

1. A representative must be twenty-five years of age ; a senator, thirty ; and a President or Vice-President, thirty-five.

2. A representative must have been a citizen of the United States seven years ; a senator, nine years ; and a President or Vice-President must be native born.

3. A representative must be an inhabitant of the state for which he is chosen ; a senator the same ; and a President must have resided within the United States fourteen years.

The Vice-President. — So long as the President performs the duties of his office, the Vice-President has no connection with the executive department, but is merely President of the Senate. In the case of the removal, resignation, or inability of the President, the Vice-President becomes President for the remainder of the presidential term.

The Vice-President has filled the presidential chair in four instances : —

1. After the death of President Harrison, Vice-President John Tyler filled the office of President from 1841 to 1845.

2. On the death of President Taylor, Millard Fillmore was President from 1850 to 1853.

3. Andrew Johnson, after the death of Abraham Lincoln, was President from 1865 to 1869.

4. Chester A. Arthur succeeded to the presidency on the death of President Garfield, and held that office from 1881 to 1885.

No Vice-President who had become President has died during his term of office. Congress has, however, by a law passed January, 1886, provided that in case of the removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, if there be one, shall become President, and hold the office during the remainder of the presidential term of four years; and in case there is no Secretary of State, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, and next in order the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior.

If either of the foregoing officers does not have the three qualifications requisite for a President, he is not eligible to fill the vacancy, and the next officer in order who is eligible would become President for the remainder of the the term.

Salary. — The salary of the President was originally fixed at twenty-five thousand dollars a year. Since 1873 it has been fifty thousand dollars a year. The salary of the Vice-President is eight thousand dollars a year.

The Powers of the President. —

1. "The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several states when called into actual service of the United States."

2. "He shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."

3. He makes treaties with foreign nations with the advice and consent of the Senate.

4. He appoints "ambassadors, foreign ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein provided for, and which shall be established by law."

5. He has power to make temporary appointments of officers of the United States when vacancies happen during the recess of the Senate.

Impeachment. — "The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors."

Executive Departments. — The executive business of the government is divided among eight executive departments as follows: —

1. The Department of State.
2. The Department of the Treasury.
3. The Department of War.
4. The Department of the Navy.
5. The Department of the Post-Office.
6. The Department of the Interior.
7. The Department of Justice.
8. The Department of Agriculture.

The Constitution places the full executive power in the hands of one man, the President. It makes no provision for the Cabinet; but it gives the President authority to “require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices.” This implies that executive departments will be established so that the various and multiform duties pertaining to the executive work of the national government may be efficiently and systematically performed. The eight departments just mentioned have been established by Congress, and several of them have been subdivided into bureaus. The heads of all these departments are appointed by the President, by and with the advice and consent of the Senate.

The salaries of these officers are eight thousand dollars each per annum.

The Department of State. — Originally this was styled the Department of Foreign Affairs. The Secretary of State is generally considered the highest officer in rank of the executive departments under the President. It is his duty to keep the seal of the United States, and to affix it to all commissions granted by the President. He issues all proclamations in the name of the President, and furnishes copies of papers and records of his office when required.

He keeps the correspondence with foreign powers and preserves the original of all laws, public documents and treaties with foreign nations. It is his duty to conduct the correspondence with our ministers and consuls to other countries, with foreign ministers accredited to our government, and in general he has charge of matters pertaining to our foreign relations. He issues passports to our citizens visiting foreign countries, and warrants for the extradition of criminals to be delivered up to foreign governments.

The Department of State has a diplomatic bureau, a consular bureau and a domestic bureau.

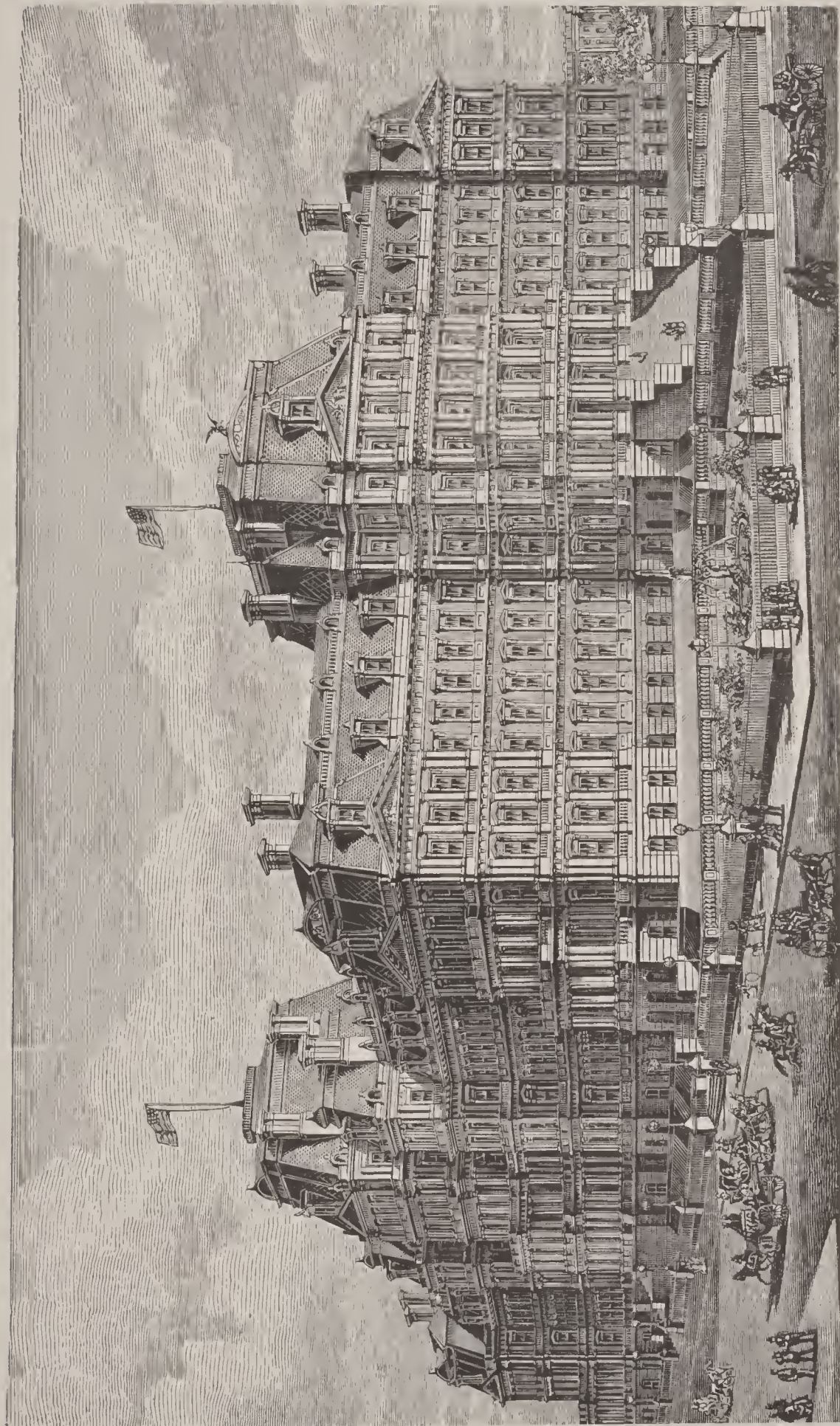
Public Ministers and Consuls. — All persons who are sent abroad to represent our government are connected with the Department of State.

The different ranks of our ministers are as follows: —

1. Ambassadors.
2. Envoys Extraordinary and Ministers Plenipotentiary.
3. Ministers Resident.
4. *Chargés d'Affaires*.
5. Secretaries of Legation.

The Ambassador and the Envoy Extraordinary, and Ministers Plenipotentiary have the same pay and appear to be of the same rank. Strictly speaking, we never send ambassadors to foreign governments. The salaries of our foreign ministers range from ten thousand dollars to seventeen thousand five hundred dollars a year.

Chargés d'Affaires receive five thousand dollars each. The Secretary of Legation is the clerk to the Foreign Embassy. Consuls are not diplomatic agents of our government, but are commercial agents residing abroad, whose duty it is to watch over the interests of our commerce and of our citizens, in the ports of the different countries. They are charged also with protecting the rights of our seamen. The salaries of Consuls-General and commercial agents range from one thousand dollars to six thousand dollars per annum. Many consuls are paid principally by fees.



THE NEW STATE, WAR, AND NAVY BUILDING.

The Treasury Department. — Of late years the importance of this department has gradually increased. During the Civil War the government issued bank bills, termed “greenbacks,” and established a system of national banks, which have increased materially the number of officers and employees in this department. Under the Secretary of the Treasury are the following officers : —

1. The Comptroller.
2. Auditor.
3. Treasurer.
4. Register.
5. Assistant Secretary.

This department has charge of the revenue, superintends its collection, grants warrants for money to be issued from the treasury, in pursuance of appropriations made by law, and generally performs all needful services relative to the finances of our country. In the Treasury Department are the following bureaus : —

1. The Bureau of the First Comptroller.
2. The Bureau of the Second Comptroller.
3. The Bureau of the First Auditor.
4. The Bureau of the Second Auditor.
5. The Bureau of the Third Auditor.
6. The Bureau of the Fourth Auditor.
7. The Bureau of the Fifth Auditor.
8. The Bureau of the Sixth Auditor.

9. Treasurer.
10. Register.
11. Commissioner of Customs.
12. Comptroller of Currency.
13. Commissioner of Internal Revenue.
14. Bureau of Statistics.
15. The Mint.
16. Bureau of Engraving and Printing.

Coast Survey. — The office of the Coast Survey is connected with the Treasury Department. This office prepares charts from actual surveys of the seacoast of the United States. The surveys of the Great Lakes are under the control of the War Department.

Light-Houses. — The light-houses of the United States were formerly under the control of the Treasury Department, but for nearly forty years past have been committed "to the Light-House Board of the United States." This board consists of three officers of the army, three of the navy, and two civilians noted for their scientific attainments, with the Secretary of the Treasury president of the board *ex officio*. This board has in charge between one thousand and two thousand light-houses, besides light-vessels, beacons and buoys innumerable.

Under this department also is the Supervising Architect, who has general charge of the plans and construction of all United States buildings,

such as custom-houses, court-houses, post-offices, etc.

The War Department. — This department has various subdivisions as follows : —

1. The Office of Adjutant-General.
2. The Office of the Quartermaster-General.
3. The Office of the Commissary-General.
4. The Office of the Paymaster-General.
5. The Office of the Chief of Engineers.
6. The Ordnance Office.
7. The Signal Office.
8. The Bureau of Military Justice.

The Bureau of Military Justice is in charge of an officer with the rank of a Brigadier-General, called a Judge-Advocate-General. Under this department is the United States Military Academy at West Point. This school was established for the education of officers for the army.

West Point. — The students are termed cadets, and number between three and four hundred. They are appointed as follows: One from each congressional district, one from each of the organized territories, one from the District of Columbia, and ten from the United States at large. These are all appointed by the President, but each member of the national House of Representatives nominates the candidate for his district. The President appoints the ten candidates

at large. Candidates for appointment must not be less than seventeen nor more than twenty-two years of age, and they are expected to serve in the army eight years, unless sooner discharged.

The examination for admission to West Point is careful and accurate upon the elements of a good education. In arithmetic, geography, English grammar, reading, writing, spelling, and the history of the United States, thoroughness and accuracy are required.

It has become customary of late for congressmen to hold competitive examinations, and to nominate for vacant positions at West Point those who have passed the best examinations in respect to mental qualifications and scholarship, with good physical health, strength, and development.

The superintendent and principal members of the faculty are regular officers in the army.

Each cadet receives an allowance during his term of study sufficient to pay his necessary expenses for clothing, board, etc. The entire expense of the academy is met by the United States government. Congress makes annually for this purpose an appropriation of three hundred thousand dollars or more.

The Department of the Navy. — This department is divided into eight bureaus, as follows: —

1. The Bureau of Yards and Docks.
2. The Bureau of Equipment and Recruiting.
3. The Bureau of Navigation.
4. The Bureau of Ordnance.
5. The Bureau of Medicine and Surgery.
6. The Bureau of Provisions and Clothing.
7. The Bureau of Steam Engineering.
8. The Bureau of Construction and Repairs.

Naval Academy. — Under the charge of this department is maintained, at Annapolis, Md., a naval academy similar to the military academy at West Point. To enter this academy as cadet-midshipman, the student must not be less than fourteen, nor more than eighteen, years of age. The same number is allowed as at West Point, and by the same method of appointment. The course of study embraces six years, and the student on graduating becomes midshipman, subject to promotion as vacancies occur. This academy requires an annual appropriation from the government of two hundred thousand dollars or more.

The Department of the Post-Office. — Probably this is the oldest department under our government. Prior to the Revolution the British government had established a system of mails through these colonies, and Dr. Benjamin Franklin was the superintendent of this system. In July, 1775, only a month later than the battle of

Bunker Hill, Doctor Franklin received from the Second Continental Congress the appointment of Postmaster-General of the United Colonies.

In September, 1789, the first Congress under the Constitution made provision for the establishment of the post-office system, and appointed a Postmaster-General. As a matter of fact, the Federal government never passed an act establishing the Post-Office Department. It was assumed to be in existence, and various acts were passed for regulating its management. There are three assistant postmasters-general: The first assistant is in charge of the Appointment Office, the second of the Contract Office, the third of the Finance Office. There is also a Superintendent of Foreign Mails.

The chief officer of the Money-Order Bureau is styled the Superintendent of the Money-Order System.

It will readily appear that great care, promptness, and accuracy is needed in assorting mail-matter and preparing it for delivery. Especially is this true of the principal lines of railroads leading to large cities; for example, between New Haven and New York, or between Philadelphia and New York; and a large number of mail-agents are required in the mail-cars, whose business it is to assort the mail-matter, and deposit it

in proper pouches, carefully marked, so that on arrival at New York the matter can at once be placed in the proper boxes in the post-office and delivered with the least possible loss of time.

Distributing Offices. — Formerly, in all large cities, there was a distributing post-office. Into this department the mail-pouches had to be brought from all directions, which contained matter to be forwarded to distant points. All this matter had to be overhauled, arranged, and put into the proper pouches for further transportation; for example, at New York, mail-matter from New England, designed for the South and West, would be all poured out upon large tables, assorted, divided, and thrown into proper pockets for carrying to Philadelphia, Harrisburg, Baltimore, Washington, etc.; while at the same time, and at the same distributing office, would be received the mails from the South and West, to be overhauled in like manner, and forwarded to the East.

Much time was consumed by this frequent change and examination of mail-matter. Time has now become so important a factor in the transaction of business that every facility must be employed for the rapidity of transmission. Hence most of the distributing offices have been abolished, and mail-pouches are now made up in Boston, New York, Philadelphia, and all large

cities, to be forwarded through to the most distant points, like San Francisco, Portland, Montreal, and Quebec.

Cheap Postage. — Formerly, but within the recollection of persons now living, it cost five cents to transmit an ordinary letter to any post-office within thirty miles, ten cents for a longer distance, and from that up to twenty-five cents across the continent.

All postage was then paid by the receiver at the end of the route. Fifty years ago there was no prepayment of postage, and more than forty years ago a law was passed by Congress establishing the postage of a single letter at three cents for any distance within our country, provided the sender should pay the postage; if not prepaid, the postage should be five cents.

In this way people became accustomed to prepaying postage, so that after a few years another act was passed by Congress, requiring prepayment of postage on all letters, establishing the rate at three cents for an ordinary letter without regard to distance. At the present time the postage on letters not exceeding an ounce in weight is two cents to any part of our country, and including the British Provinces of North America.

Some years ago a postal league was entered

into by the principal civilized nations of the earth, establishing the uniform rate of five cents as the postage for all letters, of proper weight, from any one of the countries within the postal league to any other.

The experiment of cheap postage, which was first introduced into Great Britain, a generation or more ago, has proved entirely successful. In that country the contest for this improvement was severe and protracted. Rowland Hill and others devoted themselves with great energy to the philanthropic enterprise of bringing about this much-needed reform.

When the reduction of rates had proved successful in the mother country, it was quickly introduced by our government, and from time to time, as the rate of postage has been diminished, it has been found that the receipts of the Post-Office Department have increased. At the present time the Post-Office Department more than pays for itself, excepting in the more sparsely populated districts of some sections of our country.

The Department of the Interior. — This department was established in 1849. Under it are : —

1. The Patent Office.
2. The Pension Office.
3. The Land Office.

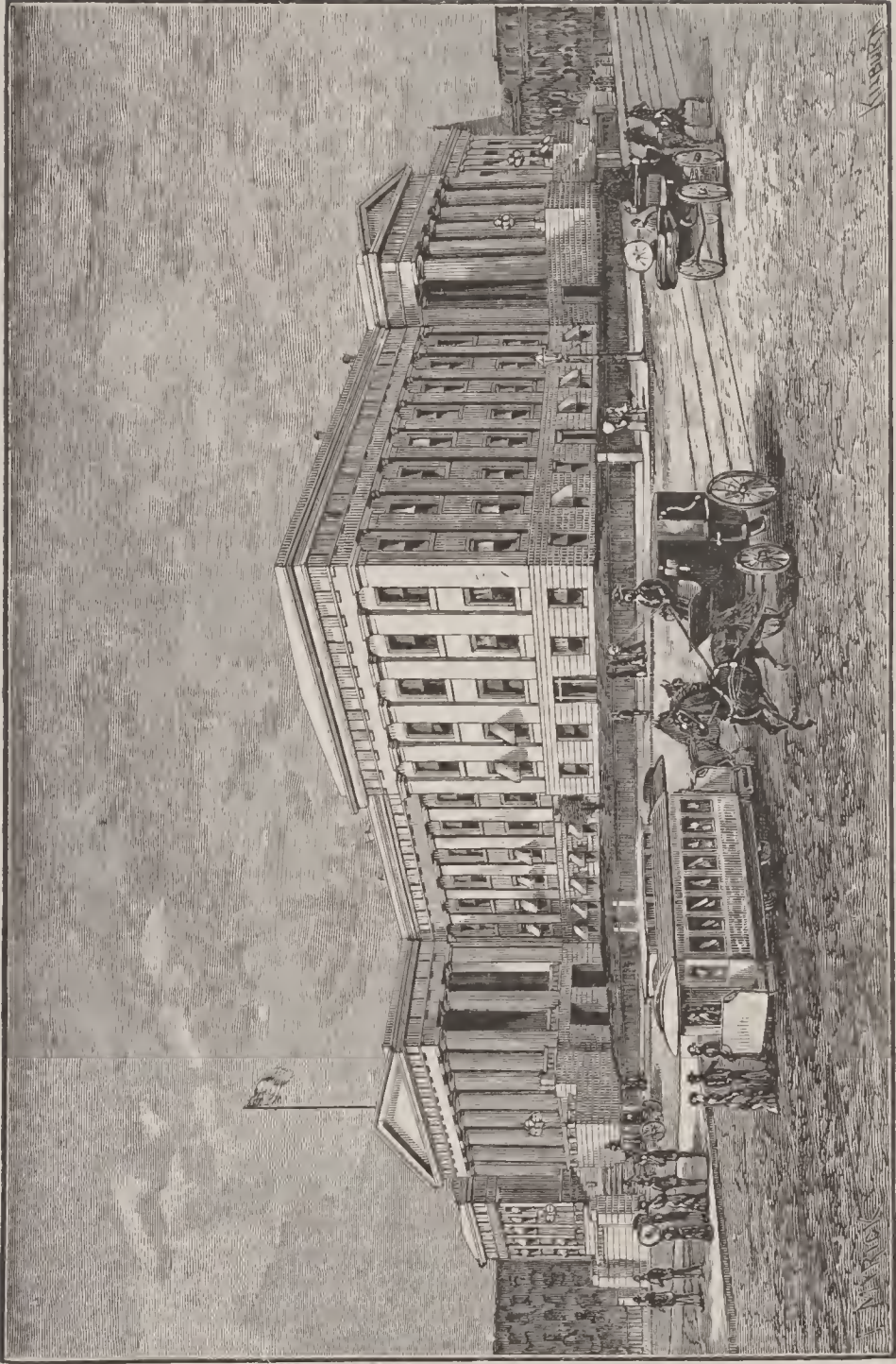
4. The Science Bureau.
5. The Bureau of Indian Affairs.
6. The Bureau of Education.

The business of the Patent Office is conducted under the direction and control of the Commissioner of Patents, who receives applications and superintends the granting and issuing of patents in accordance with the various acts of Congress passed at different times on this subject. The business of the office is to grant letters-patent to

“inventors or discoverers of any new or useful art, machine, manufacture or composition of matter, or any new and useful improvement on such, which had previously been unknown, and which had not been used by others, and which had not been on sale or in public use for more than two years prior to the application for a patent.”

The Patent Office employs many clerks called examiners, who investigate the claims of every invention for which a patent is solicited. The patent itself is the official document issued in the name of the United States, and is granted for the period of seventeen years. Its actual cost is thirty dollars.

Each article offered for sale by the patentee must have stamped upon it the word “patent” with the date when the patent was issued.



THE PATENT-OFFICE BUILDING.

The Pension Office.— Since the Civil War, this office has grown to gigantic proportions. It has in charge the entire matter of granting pensions and keeping the accounts thereof in accordance with the laws passed by Congress at different times upon this subject. The Pension Office in Washington is an immense building, filled with clerks who are constantly employed in keeping the records and attending to the accounts of pensions and pensioners. The business of this office has grown from year to year, and the amount of money disbursed by it has increased, until, at the present time, the aggregate amount of pensions paid is in the neighborhood of one hundred million dollars a year.

The Land Office.— The chief officer of this bureau is styled the Commissioner of the General Land Office. Under the commissioner are the following officers:—

1. Surveyors-General.
2. Registers of Land Offices.
3. Receivers of Land Offices.

Many years ago the United States adopted a system of survey for the public lands. This system provides that the immense tracts of western lands belonging to the United States government should be divided into ranges, townships, sec-

tions, and fractions of sections. The ranges are bounded by meridian lines six miles apart, and are numbered from a standard or principal meridian east and west. These ranges are divided into townships of six miles square, and numbered from a given parallel north and south.

The townships are divided into thirty-six sections, each one mile square, and hence embracing six hundred and forty acres. These sections are divided, as may be needed, into halves, quarters, eighths, and in some cases sixteenths. The sections in a township are numbered as indicated in the following diagram: —

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

This system of marking the division of lands makes the description of any individual tract very simple.

If one should purchase a section, the deed would specify the number of the section,—in such a township and such a range; or if a quarter-section were purchased, the description might be as follows:—

The northeast quarter of section twenty-four, township seventeen north, range nine east of third principal meridian. The government sells this land and issues a patent, which is signed by a secretary appointed by the President, and also signed by a proper recorder of the land office.

The quarter-section is one hundred and sixty acres. These quarter-sections are divided into lots of forty acres each. If one lot was sold, it would be indicated as follows:—

The northwest quarter of northeast quarter of section seventeen.

		<i>B</i>	<i>A</i>
		<i>C</i>	<i>D</i>

SECTION 17.

In the above diagram the description just given applies to lot B.

The Bureau of Indian Affairs. — This bureau, established in 1832, is in charge of a Commissioner of Indian Affairs, and has the management of all matters arising out of the relation of the government to the Indians. It cares for, pays to, or expends for, their benefit, all moneys due on account of lands ceded by Indians to the national government; looks after their interests in lands reserved; has begun the work of allotting and patenting a certain portion to each member of the tribe individually; preserves order upon Indian reservations through Indian police and Indian courts; employs agents, farmers, and mechanics to live among the Indians and teach them the occupations and customs of civilized life; assists the Indians in building houses, opening farms, and getting a start in civilization; and educates their children.

Indian Schools.—On Indian reservations are many day schools; but as a rule, Indian children are educated in industrial boarding schools. Most of these are on reservations; but the government supports also large schools off reservations among white communities, where the pupils have special opportunities for acquiring civilized habits and customs. In addition to these schools, which are wholly sustained by the government, the Indian Office makes contracts for the educa-

tion of Indian youth in various private or denominational schools. The work of the Indian Bureau, and especially of the Indian schools, is growing in importance and in public interest. Many think that all tribal relations should cease, and that the Indians should be treated as individuals, the same as all other races are treated.

The Bureau of Education. — This bureau was established by Congress nearly twenty-five years ago for the purpose of collecting statistics relating to educational matters in the different states and territories of the Union, and of promoting the progress of education throughout the nation. It is especially designed as a central medium of communication on educational subjects between the various states of the Union and between this country and foreign nations. It is placed in charge of an officer styled the United States Commissioner of Education. This bureau has proved itself of great educational value to the country.

The Department of Justice. — The office of Attorney-General was created by the first Congress in 1789, but the Department of Justice was not established until 1870. This officer, however, has always been recognized as a member of the Cabinet. Under the Attorney-General are: —

1. The Solicitor-General.
2. An Assistant Attorney-General.
3. An Assistant Attorney-General for the Court of Claims.
4. An Assistant Attorney-General in the Department of the Interior.
5. An Assistant Attorney-General in the Post-Office Department.
6. A Solicitor of Internal Revenue.
7. Naval Solicitor.
8. Examiner of Claims.
9. Solicitor of the Treasury.
10. An Assistant Solicitor.

All of these officers are appointed by the President and Senate. Besides these officers, in this department are employed many persons as clerks, copyists, etc.

Money and Banking. — We have already considered the coins of our country. Our money system is bi-metallic, both gold and silver coins being legal tender. The gold and silver coins are the ordinary and legitimate legal tender in payment of debts. This is customary among the nations generally.

The rapid growth of our country, with the corresponding increase of business and population, has made it impossible for us to secure a sufficient amount of coin to carry on the necessary business of the country. Moreover, bank bills are far

more convenient than either gold or silver for large business transactions.

Banks were early established under charters from the various states. This is not prohibited by the Constitution. Prior to the Civil War, the bank notes issued by the various state banks in all parts of the country amounted to a very large sum, and were an important aid in carrying forward the immense business of the country.

The exigencies of the times during the Civil War, especially the need for very large sums of money by the government to carry on the war, gave occasion for new legislation by the national government upon this subject.

In 1864 a bill was passed by Congress, providing for a bureau of currency in the Treasury Department under the direction of an officer called the Comptroller. This bill provides that national banks may be formed by voluntary associations, with power to issue bills, receive deposits, loan money, and perform the ordinary functions of banks.

A year or two later Congress passed another act, levying a tax of ten per cent upon all notes issued by state banks used for circulation after August 1, 1866. Practically, this, of course, excluded the bills of the state banks from circulation, so that nearly all of those banks throughout the

country either closed their business, or transferred it to national banks, which were formed to take the place of the old state banks.

Treasury Notes. — During the war the government issued a paper currency, usually denominated treasury notes, or, as they were called in common language, “greenbacks,” from the circumstance that the engraved back of the note was printed in green ink. The government made these greenbacks legal tender in payment of debts, and paid them out from time to time for army supplies, soldiers’ pay, and other current expenses.

Large amounts of these greenbacks continued to circulate throughout the country with a somewhat uncertain and fluctuating value until 1879, when the government began to redeem them in gold at par. Since then their circulation has been continued on a par value with gold and the national bank notes. The government, however, has redeemed and retired them to such an extent that the amount in circulation is now very small. It will thus be seen that the Treasury Department of government acts in some sense as a bank of issue. It does not loan the money as other banks do, but pays out its bills for current expenses.

The Constitution provides that the national

government shall absolutely control the coinage of money. It prohibits the states severally from making anything but gold and silver coin a legal tender in payment of debts, and now, by bringing into operation this system of national banks, which has proved so eminently successful, our federal government, as it would appear, has established the principle that all forms of money and currency should be under its control.

The Department of Agriculture. — This department was formerly a bureau under the Department of the Interior. By a recent Act of Congress, on account of its growing importance and the rapidly increasing value of its work, it has been made into a distinct department, under the direction of a chief officer styled the Secretary of Agriculture, who is a member of the President's Cabinet.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Qualifications for President and Vice-President.
2. When are presidential electors elected?
3. Who can vote for presidential electors?
4. When do the presidential electors cast their votes?
5. When, where, and how are their votes counted?
6. When does the President take his seat, and what is the length of his term of office?
7. Describe the new law for the presidential succession.
8. Enumerate the powers and duties of the President.
9. What is the President's salary?
10. How are treaties made with foreign nations?
11. How do the qualifications for representative, senator, and President differ?
12. If there is no choice for the President by the vote of the electors, how is the President to be chosen?
13. If the electors make no choice for Vice-President, how is the Vice-President to be chosen?
14. How can a President be removed?
15. What officers constitute the President's Cabinet?
16. Write out in order the executive departments, and give the official title for the chief officer in these several departments.
17. Name the principal duties of the Secretary of State.
18. Give some account of our ministers to foreign governments.
19. Give a brief account of the Military Academy at West Point.
20. Of the Naval Academy at Annapolis.

21. Write an account of the national system of surveying and plotting public land.
22. Give some account of the Post-Office Department.
23. Of money and banking.
24. How is mail matter transported and distributed?
25. Give some account of the bureau of Indian affairs.
26. The Bureau of Education.
27. The Pension Office.

BLACKBOARD OUTLINE.



THE JUDICIAL DEPARTMENT.

- | | | |
|------------------------|--|-----------------------|
| 1. The Supreme Court. | | 2. The Circuit Court. |
| 3. The District Court. | | |

SPECIAL COURTS.

1. Court of Claims.
2. Supreme Court of the District of Columbia.
3. Supreme Courts in the Territories.
4. District Courts in the Territories.

CHAPTER III.

THE JUDICIAL DEPARTMENT.

THE Constitution provides that there shall be "one Supreme Court and such inferior courts as Congress may from time to time ordain and establish." In accordance therewith, Congress has established the following system of United States courts: —

1. The Supreme Court.
2. The Circuit Court.
3. The District Court.¹

Besides these there are: —

1. Court of Claims, established in 1855.
2. Supreme Court of the District of Columbia.
3. Supreme Courts in the Territories.
4. District Courts in the Territories.

The Supreme Court at the present time consists of a Chief Justice and eight associate justices. These nine justices correspond to the number of circuits, and one of them is assigned to each circuit. There are nine Circuit Courts, with nine judges of these courts. Appeals may be taken from the Circuit Court to the Supreme Court. The Circuit Courts are presided over by a

¹ In 1891 Congress established a new court, called the *Circuit Court of Appeals*, with circuits and judges corresponding to the Circuit Court.

Circuit Judge, a District Judge, a Justice of the Supreme Court, or any two of them. These Circuit Courts are again divided into districts, every state having at least one District Court. Some of the larger states are divided into two or more districts.

The salaries of the district judges vary from thirty-five hundred dollars to five thousand dollars. The judges of the Circuit Courts receive a salary of six thousand dollars. The associate justices of the Supreme Courts have a salary of ten thousand dollars; and the Chief Justice of this court receives ten thousand five hundred dollars.

Only certain kinds of cases can be brought before the United States courts. These courts have jurisdiction in the following cases: —

1. All cases in law and equity arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.
2. All cases affecting ambassadors, other public ministers, and consuls.
3. All cases of admiralty and maritime jurisdiction.
4. Controversies to which the United States shall be a party.
5. Controversies between two or more states.
6. Controversies between a state and the citizens of another state.
7. Controversies between citizens of different states.
8. Controversies between citizens of the same state, claiming lands under grants of different states.

9. Controversies between a state or the citizens thereof and foreign states, citizens, or subjects.

The judicial power of the United States is here extended to controversies between a state and citizens of another state. This clause gave much discussion at the time the Constitution was adopted, and the states were unwilling to be subjected to lawsuits brought in the federal courts by citizens of other states. Accordingly, an amendment to the Constitution was proposed, and on the 8th of January, 1798, the President announced to the Congress that the amendment had been adopted by three-fourths of the states, and was, therefore, a part of the Constitution. This constitutes the eleventh of the amendments, and is as follows: —

“The judicial power of the United States shall not be construed to extend to any suit in law, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.”

Such cases must be brought before the state courts.

The Constitution provided that whether in the United States courts or in the courts of any state

“The trial of any crimes, except in cases of impeachment, shall be by jury; and such trials shall be held in the state where the said crimes shall have

been committed; but when not committed within any state the trial shall be at such place or places as Congress may by law have directed."

A jury consists of twelve men, selected according to law, to determine matters of fact in a legal trial. The right of trial by a jury of one's peers was a right highly esteemed by the people of Great Britain, which they a long time ago compelled their king to yield to them. This right is here made a part of the Constitution of our country, and although not yielding all the good fruit which might be desired, yet is considered as one of the guaranties of a fair trial to any one accused of crime.

This clause provides that all trials for crime shall be held in the state where such crime has been committed.

Treason. —

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

This clause defines treason as consisting of only two things: —

1. In levying war against the United States.

2. In adhering to their enemies, giving them aid and comfort, and it provides that,

“No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.”

“The Congress shall have the power to declare the punishment of treason ; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.”

The terms here used refer to an English custom. The old English law provided certain consequences as to the mode of execution of one who had been convicted of treason. He was to be put to death in a cruel manner, and his conviction involved what was called attainder, and this worked corruption of blood, or forfeiture.

There was no judgment of attainder, but the attainder was incident to the conviction as a matter of course. This attainder, as a natural consequence, was supposed to include corruption of blood, or forfeiture. His property of every kind was forfeited. His children could not inherit property from his ancestors through him. What was termed “corruption of blood” destroyed the power to inherit property.

Our Constitution prescribes that the offender himself shall bear the punishment. It shall not descend to his children. There may be forfeiture,

but this is rather in the nature of a fine, made at his conviction. This clause does not mean that the forfeiture shall extend only during the life of the person. The forfeiture or fine once made, of course the property or fine goes to the government permanently and not temporarily.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Describe the organization of the Supreme Court of the United States.
2. What is the salary of the justices ?
3. Describe the United States Circuit Courts.
4. Who may preside in a Circuit Court?
5. Describe the District Courts.
6. Name the salary of a judge of the Circuit Court.
7. What are the limits of the salary of the district judges?
8. What cases may be brought before the United States District Courts?
9. Circuit Courts?
10. The Supreme Court?
11. What courts try ordinary cases of crime, and suits between citizens of any one state?
12. Should a crime be committed in a post-office building, or a custom-house building owned by the United States, in what court would the case be tried?
13. Discuss the question of "trial by jury."

BLACKBOARD OUTLINE.



MISCELLANEOUS PROVISIONS.

“ Full Faith and Credit.”	“ Records.”
“ Public Acts.”	“ Judicial Proceedings.”



New States.	Republican Government.
Territories.	Amendments.

CHAPTER IV.

MISCELLANEOUS PROVISIONS.

THE Constitution provides that: —

“ Full faith and credit shall be given to the public acts, records, and judicial proceedings of every other state, and the Congress may, by general laws, prescribe the manner in which said acts, records, and proceedings shall be proved, and the effect thereof.”

1. “ Full faith and credit.” By these words are meant that the other state shall give the same credit, which the state itself gives to the acts, etc., when these have been proven.

2. “ Public acts.” By these are meant the laws of the state, or the action of the legislature.

3. “ Records.” These refer to general matters of legal record, such as laws, real estate records, legislative journals, etc.

4. “ Judicial proceedings.” The reference here is to the acts of the courts, judgments, orders, proceedings. In obedience to the last part of the clause, Congress, at an early date, passed an act specifying that the acts of the legislature of a state shall be authenticated by its seal. The same act also specifies the form of proof neces-

sary for the records of a court, and the attestation of the clerk together with the certificate of the judge. Such records and proceedings must receive full faith and credit in the courts of other states.

New States.—

“New states may be admitted by the Congress into this Union ; but no new state shall be formed or erected within the jurisdiction of any other state, or any state be formed by the junction of two or more states, without the consent of the legislatures of the states concerned, as well as of the Congress.”

The first added state was Vermont, which was admitted into the Union by an act of Congress in 1791.

In 1792, Kentucky was admitted.

In 1796, Tennessee was admitted.

In 1803, Ohio was admitted.

In 1812, Louisiana was admitted.

In 1816, Indiana was admitted.

In 1817, Mississippi was admitted.

In 1818, Illinois was admitted.

In 1819, Alabama was admitted.

In 1820, Maine was admitted.

In 1821, Missouri was admitted.

In 1836, Arkansas was admitted.

In 1837, Michigan was admitted.

In 1845, Florida was admitted.

In 1845, Texas was admitted.
In 1846, Iowa was admitted.
In 1848, Wisconsin was admitted.
In 1850, California was admitted.
In 1858, Minnesota was admitted.
In 1859, Oregon was admitted.
In 1861, Kansas was admitted.
In 1863, West Virginia was admitted.
In 1864, Nevada was admitted.
In 1867, Nebraska was admitted.
In 1876, Colorado was admitted.
In 1889, North Dakota was admitted.
In 1889, South Dakota was admitted.
In 1889, Montana was admitted.
In 1889, Washington was admitted.
In 1890, Idaho was admitted.
In 1890, Wyoming was admitted.

It will thus be seen that by the recent admission of the six states last mentioned, we now have in our federal Union forty-four states.

Territories. —

“The Congress shall have power to dispose of, and make all needful rules and regulations, respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.”

In accordance with this provision, Congress has from time to time passed laws regulating the organization of the territories and providing for territorial governments. We have at the present time, in addition to the forty-four states just mentioned, the District of Columbia, the Indian Territory, the unorganized Territory of Alaska, and four territories with regularly organized territorial governments as follows:—

- | | |
|----------------|--------------|
| 1. New Mexico. | 3. Utah. |
| 2. Arizona. | 4. Oklahoma. |

Republican Government. —

“The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence.”

By this section a republican government is made obligatory upon all the states. No particular department of the United States government is charged with this duty. It would seem reasonable that Congress should decide what government is the established one in a state, and this has been sanctioned by a decision of the Supreme Court. It would seem necessary also that the

President, as the executive officer of the national government, and commander-in-chief of the armies of the nation, should see that the provisions of this section should be enforced.

Amendments. —

“The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on application of the legislature of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress: *provided* that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.”

Two modes of proposing amendments are here given, and there may be two modes of ratification: —

1. Amendments to the Constitution may be proposed to the several states by a two-thirds vote of both houses in Congress.

2. Amendments may be proposed by a convention, on the application of the legislatures of two-thirds of the states.

Whenever amendments have been proposed to the states by either of these methods, there are two ways in which they may be ratified:—

1. By the legislatures of three-fourths of the several states.

2. By conventions in three-fourths of the several states, as the one or the other mode of ratification may be proposed by Congress.

As a matter of fact, all the amendments which have been hitherto made have been proposed to the states by Congress; and they have all been ratified by the legislatures. It is probable that this method, which has proved satisfactory in the past, will not be departed from in the future.

Supreme Law of the Land. —

“This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”

This clause is of paramount importance in showing that the government of the United

States is supreme, and must be, not merely over the people, but over the land of the whole country, in all places belonging to this nation.

The Constitution, laws, and treaties are here made the supreme law of the land; and the statement is explicit and emphatic, that “the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”

“The ratifications of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.”

As a matter of fact, the adoption of this Constitution was a peaceful revolution.

The Articles of Confederation provided as follows:—

“And the Articles of this Confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.”

They further provide, —

“That the articles thereof shall be inviolably observed by the states they respectively represent, and that the union shall be perpetual.”

Contrary, then, to these provisions of the Articles of Confederation, which were emphatically the supreme law of the land, this Constitution provides that it should go into effect between nine states as soon as ratified by that number.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What is meant by "full faith and credit"?
2. "Public acts"?
3. "Records"?
4. "Judicial proceedings"?
5. How may new states be admitted?
6. What power has Congress over the territories?
7. What has been the uniform method of proposing amendments to the Constitution?
8. What has been the uniform method of adopting amendments to the Constitution?

BLACKBOARD OUTLINE.



AMENDMENTS TO THE CONSTITUTION.

First Ten Amendments. — A Bill of Rights.

Eleventh Amendment. — Judicial Department.

Twelfth Amendment. — The Election of President.

Thirteenth Amendment. — Slavery.

Fourteenth Amendment. — Citizenship, Congressional Representation, Inability to hold Office under the United States, the Public Debt.

Fifteenth Amendment. — Shall not deny or abridge the right to vote.

Putting the Constitution into Operation.

CHAPTER V.

THE AMENDMENTS TO THE CONSTITUTION.

CONVENTIONS were called in the several states to discuss and adopt, or reject, this Constitution. After a time it was adopted by all of the thirteen original states, yet in several conventions there was a strong desire for certain modifications to satisfy the evident will of the people.

Congress, at its first session under the Constitution, proposed to the states twelve articles of amendment. Of these articles ten were ratified by the legislatures of three-fourths of the states, and became part and parcel of the Constitution from the fifteenth day of December, 1791. These constitute the first ten of the amendments to the Constitution. They, in general, relate to the rights of the people and to limitations of government. (The teacher is advised to turn to the Constitution, and read these amendments, discussing them in an informal way with the class.)

The Eleventh Amendment was proposed at the first session of the Third Congress, in 1794, and was declared adopted as a part of the Constitution January 8, 1798.

This amendment, which has been already considered, restricts the judicial power of the United States in suits at law between one of the United States and citizens of another state.

The Twelfth Amendment relates to the manner of electing President and Vice-President, and has already been considered. It was proposed by the first session of the Eighth Congress, in 1803, and was adopted by the requisite number of states the next year. At present there are three other amendments, the Thirteenth, Fourteenth, and Fifteenth, all of which have grown out of the Civil War.

The Thirteenth Amendment. —

“Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

“Congress shall have power to enforce this article by appropriate legislation.”

This amendment was proposed by Congress in 1865, and ratified by the constitutional number of states the same year.

The Fourteenth Amendment. —

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they

reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

“Representatives shall be apportioned among the several states, according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

“No person shall be a senator or representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Consti-

tution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

“The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave ; but all such debts, obligations and claims shall be held illegal and void.

“The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.”

This amendment was proposed by Congress in 1866, and was declared to be a part of the Constitution in July, 1868.

Fifteenth Amendment. —

“The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

“The Congress shall have power to enforce this article by appropriate legislation.”

The object of this article was to secure suffrage to the colored race, especially to the freed men of

the South. It specifies three points, in respect to which the right of citizens of the United States to vote shall not be denied or abridged, either by the national or state governments: —

1. On account of race.
2. On account of color.
3. On account of previous condition of servitude.

It was at first proposed to add two other points, nativity and religion, but these were stricken out before the proposed amendment was sanctioned by Congress.

This amendment was proposed by Congress in 1869, and was declared to be ratified in 1870.

Putting the Constitution into Operation.—

In July, 1788, a committee was appointed by the Congress to report an act for putting the Constitution into operation. This committee reported an act which was adopted on the 13th of September, as follows: —

“Resolved, that the first Wednesday in January next be the day of appointing electors in the several states, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective states, and vote for a President; and that the first Wednesday in March next be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution.”

The first Wednesday in March, 1789, happened to be the fourth day of the month, and as one presidential term and two Congresses occupies, by the Constitution, exactly four years, it follows that the inauguration of the President is to take place on the fourth day of March every fourth year, beginning with 1789.

Washington was elected President by unanimous vote. John Adams was declared elected Vice-President, and the new government went into operation quietly and with the general sanction of the people of the country. It is not a little remarkable that the first President should have been elected unanimously, and re-elected unanimously. No President since his day has received a unanimous vote of all the electors.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned, and to suggest further thought, reading, and study.

1. When were the first ten amendments adopted?
2. Why are they called a "Bill of Rights"?
3. What is the Eleventh Amendment?
4. Give a brief history of the Twelfth Amendment, and state its object.
5. Tell the story of the Thirteenth Amendment.
6. Also the Fourteenth.
7. What was the object of the Fifteenth Amendment?
8. What measures were taken by the Congress for putting the Constitution into operation?

BLACKBOARD OUTLINE.



THE GROWTH OF OUR COUNTRY.

The Treaty of Paris.
Weakness of the Articles of
Confederation.
Purchase of Louisiana.
Purchase of Florida.
Spanish Boundary.

Annexation of Texas.
Mexican Provinces.
Discovery of Gold.
The Oregon Country.
Alaska.
Our Present Condition.

CHAPTER VI.

THE GROWTH OF OUR COUNTRY.

THE original thirteen English colonies which secured their independence by the revolutionary war, extended from the St. Croix River on the eastern borders of Maine to the southern boundary of Georgia. The settlements in these colonies were invariably near the sea-coast. At the beginning of the revolution, but few settlers were to be found more than a hundred miles from the Atlantic. These colonies in the main extended westward to the Alleghany Mountains, but several of them claimed, under their grants and charters from the British crown, westward to the Mississippi River.

The Treaty of Paris. — The treaty of peace between the new Republic and Great Britain was negotiated at Paris. The preliminary treaty was signed in 1782, and the definitive treaty was executed the year following. Our commissioners in the negotiation of this treaty, to whom this country owes great gratitude for their patriotism and sagacity, were John Adams, John Jay, and Benjamin Franklin. In spite of strong opposition

they succeeded in securing for us the entire territory as far north as the Great Lakes, and westward to the Mississippi River, and southward to latitude 31° , the northern limit of Florida. This immense territory comprised more than eight hundred thousand square miles, and was from three to four times as large as France, or Spain, or Italy.

Weakness of Articles of Confederation. —

But the national government was weak and inefficient. The Articles of Confederation provided only for a Congress of delegates from the different states sitting as one house only, with no executive and no judicial department. This Congress had all power in advising and recommending, but no power to oblige the various States to perform their requisite duties. In 1787, on the recommendation of the Congress, a convention composed of delegates from the several states, assembled in Philadelphia, and framed the United States Constitution. This Constitution was submitted to the several states, and finally adopted by them all. Washington was unanimously elected the first President, and the new government went into effect on the fourth of March, 1789. The country soon began to rally, business improved, agriculture flourished, and manufactures increased. The new Republic was now on

a strong basis with a vigorous government, and it entered upon a career of unexampled growth and prosperity.

Purchase of Louisiana. — The extent of territory remained unchanged until the year 1803. Three years before this, Napoleon Bonaparte, then the First Consul of France, had secured from Spain that territory called the Province of Louisiana, which extended from the Gulf of Mexico on the south, northward as far as the Lake of the Woods, and from the Mississippi River westward to the Rocky Mountains. Early in the year 1803, Napoleon, finding himself on the eve of a war with Great Britain, proposed to sell this immense territory to the United States, in order to prevent its capture by Great Britain, and to replenish the treasury of France. In April of the year just mentioned, the treaty was executed by Napoleon and his secretary of the treasury, Barbè Marbois, for the Republic of France, and Robert R. Livingston and James Monroe for the United States of America. By this peaceful treaty, the entire territory, called the Province of Louisiana, was conveyed to the United States, we paying therefor the sum of fifteen million dollars. It was an accession so great that, comprising as it did nine hundred thousand square miles, it more than doubled our former territory. The

result has proved that it was of great importance to our country.

The Purchase of Florida. — Having obtained a foothold upon the Gulf of Mexico, our statesmen naturally desired to secure the coast from the Atlantic to New Orleans. Consequently, in 1819, we negotiated a treaty with Spain by which, for the sum of five million dollars, she ceded to us her provinces of East and West Florida. This treaty completed our title to the territory from the Atlantic to the Rocky Mountains, and from the Gulf to the Great Lakes.

Spanish Boundary. — The third article of the Florida treaty related to the boundary line between the United States and the Spanish provinces of North America. It established this line as follows: —

Beginning on the Gulf of Mexico at the mouth of the Sabine River, and following up that river to a certain point, thence due north, on the line which is now the boundary line of Texas, to the Red River; thence up the Red River to latitude one hundred; thence due north to the Arkansas River, and up the Arkansas to its source; thence due north to latitude forty-two, and westward upon that parallel to the Pacific Ocean. Spain relinquished all claim to the terri-

tory north and east of this line, and the United States relinquished to her all claim to the territory west and south of the line. This treaty gave us a stronger claim to the Oregon country, while we relinquished to Spain whatever claims we might have had to Texas.

Annexation of Texas. — Texas declared herself independent of Mexico in 1836; and in 1845, by joint resolution of Congress, ratified by the government of Texas, she was annexed to the United States.

Purchase of Mexican Provinces. — The war with Mexico followed; and at the conclusion of that war, our army being entirely victorious, and having captured the city of Mexico, a treaty was made between us and that country by which Mexico relinquished to us her provinces of New Mexico and Upper California, for which we paid the sum of fifteen million dollars. In 1853, through General Gadsden, we purchased from Mexico an additional strip of territory called the Masilla Valley, south of the Gila River, and now known as the Gadsden Purchase. For this strip we paid Mexico the sum of ten million dollars.

The Discovery of Gold. — Almost simultaneously with the news of the treaty with Mexico came the report of the discovery of gold in

California. The "gold fever" spread rapidly throughout the country, and in 1849 and 1850 thousands of persons flocked from all sections to the California coast in search of gold.

The state government was organized, and California was admitted as one of the states of the Union in 1850.

The Size of these Additions. — The annexation of Texas, with her original boundaries, gave us about three hundred thousand square miles; and the purchase of the Mexican provinces gave us six hundred thousand square miles more, so that our territory by this means was increased to the extent of another nine hundred thousand square miles.

The Oregon Country. — Our title to Oregon is based upon several claims, as follows: —

1. By right of discovery (Captain Gray in 1792).
2. By exploration (Lewis and Clark in 1805-6).
3. By first settlement (Astoria in 1811).
4. By purchase from France in 1803 of whatever claim she might have had to the country.
5. By purchase from Spain, in the Florida treaty, 1819, of all her right to this territory north of latitude forty-two.
6. By treaty with Great Britain in 1846, by which she yielded to us all her claim to the country south of latitude forty-nine.

This country included what to-day is comprised in the states of Oregon, Washington, and Idaho, and embraces about three hundred thousand square miles. Many parts of it are of the greatest fertility, with a mild and equable climate, forming in all respects one of the most delightful countries in the world.

Alaska. — In 1867 our government, through Secretary Seward, negotiated a treaty with the Russian government by which we obtained the entire territory of Alaska, comprising, in round numbers, about six hundred thousand square miles. We paid for this territory the sum of seven million two hundred thousand dollars. This is our latest addition.

Our Present Whole Country. — Our country now embraces about 3,600,000 square miles. Its eastern limits are the Atlantic Ocean; its western, the Pacific Ocean; its southern boundary is upon the Gulf of Mexico, and its northern is the Arctic Ocean. It extends through about one hundred and thirty degrees of longitude, and about forty-five degrees of latitude. It may be considered as embraced in four nearly equal divisions. The first part, being a little less than a quarter of the whole, includes the original territory east of the Mississippi River; the second

quarter, of about 900,000 square miles, embraces the Province of Louisiana; the third quarter consists of the original Texas, about 300,000 square miles, and the Mexican cessions of about 600,000 more; the fourth quarter includes the Oregon country, about 300,000 square miles, and Alaska, about 600,000 more.

Our Present Condition. — The entire extent of our country at the present time is 3,603,884 square miles. This is divided into forty-four states, six territories, and one federal district. The states proper include about 2,800,000 square miles, and the territories 800,000 square miles. The aggregate population is not far from 64,000,000, of which about 63,000,000 are in the states, and nearly 1,000,000 in the territories, including the District of Columbia. The densest population is in the State of Rhode Island, which averages about two hundred and fifty per square mile. If the entire country had a population as dense as Rhode Island, it would contain over 900,000,000, or about three-fifths of the present population of the globe.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the original extent of the United States territory?
2. Describe the Treaty of Paris.
3. Discuss the weakness of the Articles of Confederation.
4. Write a brief account of the purchase of the Province of Louisiana.
5. When was Florida purchased, of whom, and for what price?
6. Describe the third article of the Treaty of Florida.
7. Give some account of the annexation of Texas. Of the purchase of New Mexico and California.
8. Tell something about the discovery of gold in California, and its effects upon the country.
9. Upon what various grounds did we lay claim to the Oregon country?
10. When was Alaska purchased; by whom, of whom, at what price, and what was its extent?
11. Describe the present extent of our whole country: its aggregate size and its aggregate population.

BLACKBOARD OUTLINE.



RULES OF PROCEDURE FOR DELIBERATIVE ASSEMBLIES.

Formation of a Society.

Form of a Constitution.

Election of Officers.

Officers and their Duties.

Transaction of Business.

CHAPTER VII.

RULES OF PROCEDURE FOR DELIBERATIVE ASSEMBLIES.

SECTION I.

FORMATION OF A SOCIETY.

THIS is a country of majorities. The fundamental principle of our government is that the majority vote shall dominate. Deliberative assemblies are numerous throughout the land, from the Senate of the United States to the boys' debating society in the school. Every pupil in the upper classes of the grammar school should learn how to transact business in an orderly manner in an organized meeting.

The Senate of the United States, the National House of Representatives, the State Senate and House, the town meeting, the agricultural and the historical society, the county convention, the village lyceum, all are governed by "Rules of Order." The rules of the Senate are fixed and well known. The rules of the House are adopted by each Congress.

“Cushing’s Manual,” “Jefferson’s Manual,” and Barclay’s “Digest of the Rules and Practice of the House of Representatives, U. S.,” are well-known treatises on “Rules of Procedure.”

Let us suppose that the pupils of a certain school are about to form a debating society. The proper method would be for a number of persons interested in the matter to sign and post in the school-house a call for a meeting to organize such a society. Notice might, however, be given in some other manner ; for example, at the request of several pupils, the teacher could give notice that all persons interested in effecting such an organization are requested to meet at such a time and place. If a written notice were posted, then the time having arrived, and the company being assembled, some one who had signed the call should call the meeting to order. Then the call may be read. Next a chairman should be chosen, on nomination, and a majority vote. A majority vote means a majority of all votes cast. A plurality means a larger number than any other one candidate has received. Blank ballots are not votes, and should not be counted as such. The chairman, being elected, takes the chair, and calls for the nomination of a secretary. When the secretary is elected, the meeting is duly “organized.”

It would then be proper to call for the appoint-

ment of a committee to draft a "Constitution" and "By-Laws." The meeting might then adjourn to a certain time and place, or to the call of the chairman, or to the call of the committee.

Report of the Committee. — At the next meeting the "Committee on Constitution" reports a draft for constitution and by-laws, which, after discussion and amendments, may be adopted.

Form of a Constitution. — The following will indicate the ordinary form of a constitution. Of course every constitution will have some distinguishing features differing from every other one.

CONSTITUTION OF THE CHICKATAWBUT DEBATING CLUB.

ARTICLE I.

NAME.

THE name of this organization shall be the Chickatawbut Debating Club.

ARTICLE II.

OBJECT.

The object of the club shall be to improve its members in the art of public speaking and conducting affairs in a deliberative assembly.

ARTICLE III.

MEMBERS.

SECTION 1. Membership in this club is confined exclusively to the members of the senior class in the —— Grammar School, in the town (or city) of ——.¹

SECTION 2. Any member of said class in said school desiring to become a member of this club, should make application to the Executive Committee, and, being recommended by said committee, and receiving a two-thirds vote of the members of the club present at any regular meeting shall be constituted a member by signing the constitution.

ARTICLE IV.

OFFICERS.

SECTION 1. The officers of the club shall consist of a President, a Vice-President, a Secretary, a Treasurer, and an Executive Committee, composed of the above-named officers and three other members.

SECTION 2. All officers shall be elected by ballot at the first meeting of each school year.

SECTION 3. The Executive Committee shall have the general management of the affairs of the club.

SECTION 4. It shall be the duty of the President, Vice-President, Secretary, and Treasurer faithfully to discharge the duties usually required of such officers in an association of this character. The President shall be chairman of the Executive Committee.

¹ This draft of a constitution is designed to fit a large graded grammar school. For a high school, or an ungraded school, the necessary changes from this form will readily suggest themselves to suit the particular school.

The Secretary shall give notice of the regular meetings, and of any special meetings called by the President, by posting upon the bulletin board in the school-house a written notice at least twenty-four hours prior to the time for said meeting.

ARTICLE V.

FINANCE.

SECTION 1. The annual membership fee shall be —, which shall be payable at the first meeting in each school year.

SECTION 2. Any member who shall not have paid his dues on or before the first regular meeting in December shall be notified by the treasurer that unless such dues are paid by the date of the first meeting in January his name shall be dropped from the membership of the club.

SECTION 3. No bills shall be paid by the treasurer till they are audited by the president.¹

ARTICLE VI.

MEETINGS.

SECTION 1. The regular meetings of this club shall be on the second and fourth Friday evenings of each month, during term time.

SECTION 2. Special meetings may be called by the president, and he shall call a special meeting at the request in writing of three members of the club.

¹ In societies where the treasurer handles large sums of money, it is common to have an auditor, as a special officer of the society.

ARTICLE VII.

AMENDMENTS.

This constitution may be altered or amended by a two-thirds vote of the members present at any regular meeting of the club, notice of such alteration or amendment having been given in writing at a previous regular meeting.

The above will serve as a model by which the pupils in any school may frame a constitution to suit their own wants.

When the constitution has been reported by the committee, it should be read throughout, and then discussed article by article. When each article has been duly considered, and such amendments as might be proposed have been adopted or rejected, the article should be adopted, and then the next, and so on, until the entire constitution has been adopted by articles. It should then be adopted as a whole.

Election of Officers. — After the adoption of the constitution, the first business in order will be the election of officers. As each officer is elected, he replaces the temporary one, and when they are all elected the organization is completed.

In most cases the constitution provides some form for the admission of members. It is quite common for associations to require that each member shall sign his name to the constitution.

SECTION II.

OFFICERS AND THEIR DUTIES.

Chairman or President. — It is the duty of the Chairman to call the meeting to order at the appointed time, to preside at all the meetings, to announce the business before the assembly in its proper order, to state and put all questions properly brought before the assembly, to preserve order and decorum, and to decide all questions of order (subject to an appeal). When he “puts a question” to vote, and when speaking upon an appeal, he should stand; in all other cases he can sit. In all cases where his vote would affect the result, or where the vote is by ballot, he can vote. When a member rises to speak, he should say, “Mr. Chairman,” and the Chairman should reply, “Mr. A.” He should not interrupt a speaker so long as he is in order, but should listen to his speech, which should be addressed to him and not to the assembly. The Chairman should be careful to abstain from the appearance of partisanship, but he has the right to call another member to the chair while he addresses the assembly on a question; but when speaking to a question of order he does not leave the chair.

The **Clerk, Secretary, or Recording Secretary**, as he is variously called, should keep a record of

the proceedings of the convention, society, or association, whose officer he is. It is not his duty to record discussions, but only the resolutions, motions, orders, or whatever the action of the society may be called. He should record every vote, stating whether the motion or resolution which had been offered was adopted or rejected.

It is sometimes customary in the records to say that the question was discussed by Messrs. A., B., and C. in the affirmative, and D., E., and F. in the negative.

It is necessary for an inexperienced secretary to keep constantly in mind in making his records the fact that he is to record not what was said but what was done. Above all, he should never make in his minutes any criticism, favorable or unfavorable, upon anything that was said or done in the meeting.

The Form of the Minutes can be as follows:—

“The regular meeting of the Chickatawbut Club was held in the school-room, on Friday evening, May 9, 1890. The president was in the chair, and in the absence of the secretary, Mr. A. was chosen secretary *pro tem*. The minutes of the previous meeting were read and approved. The following persons were admitted by vote as members of the club, Messrs. A. B., C. D., E. F., and Misses G. H., I. J., and K. L.”

The question for the evening was the following:—

“*Resolved*, That the explorations of Henry M. Stanley will prove of greater value to the world than the Arctic voyages of Dr. Kane.

“The disputants upon the affirmative were Messrs. M. N., O. P., and R. S., and in the negative Mr. T. U., and Misses V. W., and X. Y.

“The question was decided by a large majority in the affirmative.

“At five minutes before nine o'clock the club adjourned.

“S—— E—— C——, *Secretary*.”

The constitution, and, if there are any, the by-laws, rules of order, and standing rules should be written in a book with blank pages, writing only on the right-hand page. The left-hand page should be left blank, on which amendments to the articles opposite may be entered, if there should be any. Each amendment should have recorded with it a reference to the date and page of the minutes where the action of the society adopting such amendment is recorded. It is customary to insert the constitution, etc., in the first part of the society's book, after which would be recorded the names of the members. Following these names the page can be used for the record of the minutes of the society.

Treasurer. — It is the duty of this officer to collect and hold the funds belonging to the society, and to pay out money on the order of the proper officer.

The treasurer should make a report annually to the society, which report should contain a statement of the amount of money on hand at the beginning of the year and amount received during the year, including the sources through which the money has come ; and a statement in brief of the amount of money paid out by order of the society and the balance on hand at the end of the year. This report is usually referred to an auditing committee, consisting of one or more persons, whose duty it is to examine the treasurer's books and vouchers, and make a certificate as to the correctness of his report. The form of auditor's report is usually something like the following : —

"I hereby certify that I have examined the accounts and vouchers of the above report of T—— R——, the treasurer of the Chickatawbut Club, and find them correct, and that the balance on hand is," etc., stating the amount on hand.

It is usual after the auditor's report has been read to accept the treasurer's report.

Committees. — In small societies there is less need of committees, but in permanent organizations, like the National or State Senate or House,

Common Council in a city, or school committee, nearly all matters of business should be referred to appropriate committees. These sub-committees examine the matters referred to them and report to the entire body. When a committee thus reports, it is usual for the body to accept its report, and unless special objections appear, to adopt its recommendations.

The first-named member of a committee is usually its chairman. It is his duty to call the committee together and to preside at their meetings. If he is absent it is customary for the next member in order to preside. A majority of a committee should constitute a quorum. The committee should not act unless a quorum be present. The committee may make a majority and minority report if the members do not agree. When a majority and a minority report have been presented to a body, it is competent for any member to move the acceptance of the majority report. It is proper for some other member to move to substitute the minority for the majority report. The minority report cannot be acted upon except by such motion to substitute it for the majority. When the committee's report has been read and accepted, the committee is discharged, without further motion, unless their report be a report of progress.

SECTION III.

TRANSACTION OF BUSINESS.

Every order, resolution, or motion to be submitted to a deliberative assembly should be in writing, and having been read should be handed to the president.

The following will illustrate the form of a resolution : —

“ Resolved. — That the thanks of the Chickatawbut Club are hereby tendered to the principal of our school, Mr. A. B., for his timely, interesting, and useful address, to which we have just listened.”

The person desirous of offering this resolution should rise from his seat and address the chairman by his title, thus “ Mr. President,” or “ Mr. Chairman,” who immediately recognizes him and announces his name. He, then, having the floor, says “ I move the adoption of the following resolution,” which he reads and hands to the chairman. Some one else seconds the motion, and the chairman says, “ It has been moved and seconded that the following resolution be adopted.” He then reads the resolution, and, says, “ Are there any remarks upon the resolution ? ” Here will follow a discussion of the resolution pro and con, if the members should be so disposed. If no one rises

to speak when the question is thrown open for discussion, or it having been discussed and the president thinks the debate is closed, he says, "Are you ready for the question?" If no one rises to speak, he puts the question in a form similar to the following: "The question is upon the adoption of the resolution which you have heard read. Those of you who are in favor of adopting this resolution will manifest it by saying 'Aye'; those contrary minded, 'No.' It is a vote, and the resolution is adopted." If the majority vote in the negative, the chairman will state that the resolution is lost. If he is in doubt, he will say, "The chair is in doubt, those in favor of the adoption of the resolution will rise and stand until counted." The president or the secretary makes the count. Those opposed will rise." The chairman announces the result.

A debating society like the one proposed above will prove of great service to young persons at school. They will not only improve themselves in the ability to speak before others, and present their thoughts in a clear and forcible manner, but they will rapidly improve their power to think upon any question which may be presented to their minds for consideration. Not the least advantage will be found to consist in their becoming familiar with proper methods of transact-

ing business in a deliberative assembly. Every such young person should familiarize himself with all points connected with rules of order, and such persons are specially advised to make themselves familiar with some one or more of the books heretofore recommended on this subject.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Why is this a country of "Majorities"?
2. Describe the method of forming a society.
3. What are the essential officers?
4. Method of electing officers.
5. Duties of President.
6. Duties of Secretary.
7. Duties of Treasurer.
8. Why have an Auditor?
9. Write a form for auditing the Treasurer's annual report.
10. Write a form of "Minutes" of a meeting.
11. Write a "Resolution," extending the thanks of the society for a lecture.

APPENDIX.



THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

WE the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE. I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. ^[1] The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

^[2] No person shall be a Representative who shall not have attained to the Age of twenty five years, and been seven Years

[NOTE. — The small figures in brackets are not in the original, but have been added subsequently, to mark the different clauses in a section. In reprinting the constitution here, the spelling, punctuation, and capitalization of the original have been preserved.]

a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[³] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative ; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[⁴] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[⁵] The House of Representatives shall chuse their Speaker and other officers ; and shall have the sole Power of Impeachment.

SECTION. 3. [¹] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years ; and each Senator shall have one Vote.

[²] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class

shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third class at the Expiration of the sixth Year, so that one-third may be chosen every second Year ; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

[³] No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[⁴] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[⁵] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

[⁶] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside : And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[⁷] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of honour, Trust or Profit under the United States : but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. [¹] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof ; but the Congress may

at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

[²] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. [¹] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business ; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[²] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

[³] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy ; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[⁴] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. [¹] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same ; and for any speech or debate in either House, they shall not be questioned in any other Place.

[²] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time ; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. [¹] All Bills for raising Revenue shall originate in the House of Representatives ; but the Senate may propose or concur with Amendments as on other Bills.

[²] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States ; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[³] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States ; and before the Same shall take Effect, shall be approved by him, or being

disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power

[¹] To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States ; but all Duties, Imposts and Excises shall be uniform throughout the United States ;

[²] To borrow Money on the credit of the United States ;

[³] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ;

[⁴] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States ;

[⁵] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures ;

[⁶] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States ;

[⁷] To establish Post Offices and post Roads ;

[⁸] To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ;

[⁹] To constitute Tribunals inferior to the supreme Court ;

[¹⁰] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations ;

[¹¹] To declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

[¹²] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years ;

[¹³] To provide and maintain a Navy ;

[¹⁴] To make Rules for the Government and Regulation of the land and naval Forces ;

[¹⁵] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions ;

[16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress ;

[17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings ; — And

[18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9. [1] The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

[2] The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[3] No Bill of Attainder or ex post facto Law shall be passed.

[4] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[5] No Tax or Duty shall be laid on Articles exported from any State.

[6] No Preference shall be given by any Regulation of Com-

merce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

[⁷] No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[⁸] No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. [¹] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

[²] No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

[³] No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

ARTICLE. II.

SECTION. 1. [¹] The executive Power shall be vested in a President of the United States of America. He shall hold his

Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

[²] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress : but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

* [³] The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each ; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed ; and if there be more than one who have such Majority and have an equal number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President ; and if no Person have a Majority, then from the five highest on the List the said House shall in like manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote ; a Quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a choice. In every Case, after the Choice of the President, the Person having the greatest Number

* This clause has been superseded by the 12th amendment, on page 80.

of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

[⁴] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes ; which Day shall be the same throughout the United States.

[⁵] No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President ; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[⁶] In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[⁷] The President shall, at stated Times, receive for his services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[⁸] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation : —

“ I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

SECTION. 2. [¹] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the

United States ; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

[²] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur ; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law : but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

[³] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient ; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the time of Adjournment, he may adjourn them to such Time as he shall think proper ; he shall receive Ambassadors and other public Ministers ; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE. III.

SECTION. 1. The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation which shall not be diminished during their Continuance in Office.

SECTION. 2. ^[1]The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority ;— to all Cases affecting Ambassadors, other public Ministers and Consuls ;— to all Cases of admiralty and maritime Jurisdiction ;— to Controversies to which the United States shall be a Party ;— to Controversies between two or more States ;— between a State and Citizens of another State ;— between Citizens of different States, — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

^[2] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

^[3] The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury ; and such Trial shall be held in the State where the said Crimes shall have been committed ; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. ^[1]Treason against the United States, shall con-

sist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[²] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. [¹] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[²] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[³] No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. [¹] New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the Jurisdiction of any other State ; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[²] The Congress shall have Power to dispose of and make all

needful Rules and Regulations respecting the Territory or other Property belonging to the United States ; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress ; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article ; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

[¹] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[²] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof ; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land ; and the Judges in every

State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution ; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

G^o WASHINGTON —

Presidt and deputy from Virginia

NEW HAMPSHIRE.

JOHN LANGDON

NICHOLAS GILMAN

MASSACHUSETTS.

NATHANIEL GORHAM

RUFUS KING

CONNECTICUT.

WM SAML JOHNSON

ROGER SHERMAN

NEW YORK.

ALEXANDER HAMILTON

NEW JERSEY.

WIL LIVINGSTON

DAVID BREARLEY

WM PATERSON

JONA DAYTON

PENNSYLVANIA.

B FRANKLIN
ROBT MORRIS
THO FITZSIMONS
JAMES WILSON

THOMAS MIFFLIN
GEO CLYMER
JARED INGERSOLL
GOUV MORRIS

DELAWARE.

GEO READ
JOHN DICKINSON
JACO BROOM

GUNNING BEDFORD, Jun'r
RICHARD BASSETT

MARYLAND.

JAMES M'HENRY
DANL CARROLL

DAN OF ST THOS JENIFER

VIRGINIA.

JOHN BLAIR

JAMES MADISON, Jr

NORTH CAROLINA.

WM BLOUNT
HU WILLIAMSON

RICH'D DOBBS SPAIGHT

SOUTH CAROLINA.

J. RUTLEDGE
CHARLES PINCKNEY

CHARLES COTESWORTH PINCKNEY
PIERCE BUTLER

GEORGIA.

WILLIAM FEW

ABR BALDWIN

Attest :

WILLIAM JACKSON, *Secretary.*

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE
CONSTITUTION OF THE UNITED STATES OF AMERICA,

Proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

(ARTICLE I.)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging

the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(ARTICLE II.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

(ARTICLE III.)

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

(ARTICLE IV.)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(ARTICLE V.)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use, without just compensation.

(ARTICLE VI.)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which

district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have Compulsory process for obtaining Witnesses in his favour, and to have the Assistance of Counsel for his defence.

(ARTICLE VII.)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

(ARTICLE VIII.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(ARTICLE IX.)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

(ARTICLE X.)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

(ARTICLE XI.)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

(ARTICLE XII.)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at

least, shall not be an inhabitant of the same state with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate ;— The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted ;— The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. — The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to

the office of President shall be eligible to that of Vice-President of the United States.

(ARTICLE XIII.)

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECT. 2. Congress shall have power to enforce this article by appropriate legislation.

(ARTICLE XIV.)

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECT. 2. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State.

SECT. 3. No person shall be a senator or representative in

Congress, or elector of president or vice-president, or hold any office, civil or military, under the United States or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house remove such disability.

SECT. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave ; but all such debts, obligations, and claims shall be held illegal and void.

SECT. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

(ARTICLE XV.)

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SECT. 2. The Congress shall have power to enforce this article by appropriate legislation.

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ELEMENTS OF CIVIL GOVERNMENT

OF THE

STATE OF ILLINOIS



THE STATE CAPITAL, SPRINGFIELD, ILL.

THE ELEMENTS
OF
CIVIL GOVERNMENT
OF ILLINOIS

WITH

*A Brief Outline of the Political History
of the State to the Adoption
of the Constitution*

BY

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UNIVERSITY OF ILLINOIS



SILVER, BURDETT & COMPANY

NEW YORK BOSTON CHICAGO

1892

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TYPOGRAPHY BY J. S. CUSHING & Co., BOSTON.
PRESSWORK BY BERWICK & SMITH, BOSTON.

PREFACE.

THE time evidently is at hand for a forward movement of the educational forces of this State in the line of a more formal endeavor to make a good citizen. Hitherto it seems to have been assumed that no distinctive instruction in citizenship was necessary, but that there was a potency in the spelling book and the other branches commonly taught which was sufficient, although it is a matter of everyday observation that a man may be even highly educated and still a very poor citizen. To this lack of familiarity with the spirit and form of our government can doubtless be traced no small part of the political indifference of our day.

To win this battle for good citizenship many forces may be called into action, but none are more prominently before the teachers than what may be called the tactics of good citizenship ; namely, Civil Government.

It is commonly supposed that while this study is not found in our grammar schools, yet it is pursued by a large number of our high school pupils. But the truth is, that in more than one-half of our high schools it is studied in the last part of the course when the numbers are small, and in many high schools is not studied at all. It would seem evident that it should be studied in the first year of all our high schools, and more than this, that it should be found in the eighth grade of our graded schools and in the higher classes in our ungraded schools. It

would seem to be a very reasonable position that to know how we are governed and to get some little idea of the spirit of our institutions is of the utmost importance.

If the practical is to be pleaded, nothing could be more so in this land of elections. The incentives that made the Pilgrim and Puritan good and patriotic citizens, have gone ; the religious republic has gone. Surely in its place we should adopt something specific as they did, and not rely wholly on the ordinary branches.

And when we come to our own State, what more splendid theme to arouse and interest the pupil and fill him with enthusiasm, with the sentiment of patriotism and pride of citizenship, than our wonderful past, our wonderful present, and the prospects of our wonderful future. No past is fuller of interest. The fiery zeal of the Jesuit is a theme for constant wonder. Our dominion is well-nigh an empire. Our resources are almost boundless. Next year we welcome to the second city of our country representatives from the civilized world, — a city that in its growth and resources is perhaps the most wonderful phenomenon of our present century.

This is history, but most closely connected with it is the civil polity of nearly four millions of people, and how they are governed so as to produce the freedom of the individual and the freedom of the State. To implant in the minds of our pupils a deep love for our institutions and an intelligent understanding of their form, is surely a teacher's high duty and privilege.

That these pages may be of some service to our noble guild of teachers in educating the American citizen now in their schoolrooms is my sincere wish.

HERBERT J. BARTON.

UNIVERSITY OF ILLINOIS, June, 1892.

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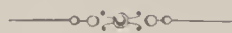
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THE CIVIL GOVERNMENT OF ILLINOIS.



CHAPTER I.

THE EARLY SETTLERS AND HOW THEY WERE GOVERNED.

To cross the Atlantic and found on its shores the governments of Plymouth and Massachusetts Bay were deeds which we justly place among the most heroic of all time. To cross the same ocean, to explore the St. Lawrence, to look upon our inland seas, to discover the Mississippi, to lay the wide foundations of a New France, — these deeds, the work of the Frenchman and the Jesuit, justly lay claim to be called equally heroic.

Because Illinois was admitted to the Union in 1818, we are apt to think that it was settled long after the Thirteen Colonies; and because we are English by descent, we are likely to forget the pioneers of our State. Yet it was only a little more than fifty years after the Pilgrims landed at Plymouth that Marquette and Joliet saw our prairies. South Carolina was but just settled by the English; New Hampshire was not

yet a separate colony, nor Delaware. Penn had not come to America; it would be sixty years before Oglethorpe should found Georgia. Along the Atlantic seaboard were settlements that had not yet fought and conquered King Philip. It would be more than a hundred years to the Declaration of Independence. In 1673, began a movement of French missionaries that is one of the most wonderful facts of history. The French were in Canada more than a hundred years before, yet they had accomplished little. Quebec was founded the next year after Jamestown, but the vast country tributary to the St. Lawrence was but little known. The French engaged in the fisheries and the fur trade while the Pilgrims and Cavaliers were building up Boston and Jamestown. Now the policy changes. The missionaries push out from the St. Lawrence and the Great Lakes and add all the vast Mississippi valley to the dominions of the King of France, by right of discovery. There is no more wonderful story of devotion to religion and country than these men give us. The most terrible privations that can be imagined; tortures at the hands of Indians so awful as to seem well-nigh incredible; death itself was as nothing, so that they might baptize and save the natives.

Within our State, they formed settlements at Cahokia, Fort Chatres, Kaskaskia and St. Louis, now called Starved Rock. The government was entirely in the hands of the priests, and the country was considered as a part of Canada. The population increased very slowly and in marked contrast with the growth of the English settlements along the Atlantic. In 1712, the territory that is now Illinois was united with the French

possessions in the southern part of the Mississippi valley, and all was conferred by the King, Louis XIV., upon Crozat, a merchant of large experience and great wealth. This was done with the idea that the wealth of the country was great, and that the new manager could turn over large sums into the depleted treasury of the King. Crozat, after five years of failure, surrendered his charter. At that time, the white population of Illinois was less than three hundred. From 1717 to 1732, Illinois was a part of Louisiana, but under the government of the Company of the West. In 1732, that company surrendered its charter, and henceforth until the close of that great struggle for supremacy in North America which was brought to an end on the Plains of Abraham, Illinois was governed by men appointed by the Crown. For more than thirty years, under royal governors, the people lived in peace and contentment. The rural simplicity of life described by Longfellow in "Evangeline" was true of them. "No regular court was held in the country for more than a hundred years or until its occupation by the English. The governor, aided by the friendly advice of the commandants and priests of the villages, either prevented the existence of controversies or settled them when they arose without a resort to litigation."¹ Surely this is very good proof that the government was well and wisely administered.

By the Treaty of Paris, signed in 1763, the entire French possessions in North America passed out of the hands of their former owners. Thus was decided that most momentous question as to whether French or

¹ Davidson and Stuvé, "A Complete History of Illinois."

English civilization should have the mastery in North America. The last organized movement made at this time against the English was the conspiracy of Pontiac. This only delayed the occupation of the country, and on the 10th of October, 1765, the flag of France was lowered from Fort Chatres, the last French post in what is now the State of Illinois.

We are now near those times which mark distinctly the birth of our republic. The foolish persistence of the English home government was soon to lead to our Declaration of Independence, and it would be of great importance to the States joining in that Declaration, whether the Mississippi valley was friendly or hostile. If hostile, it would be a place from which there would issue expeditions to attack our extreme western settlements; if friendly, that danger was not to be feared.

As the war of the Revolution progressed, it was manifest that the Indians in the valley were incited against the Americans by English agents at the old French towns, and so it occurred to a brave soldier, Colonel George Rogers Clark, to attempt to capture these posts. Clark was a Virginian, and hence applied to Patrick Henry, then governor of that colony. Henry aided him to the extent of £1200 in depreciated currency. He also had the encouragement of Jefferson. With only 153 men, Clark sailed down the Ohio, to a point about 120 miles from Kaskaskia, and then marching across the country, captured this town on the 4th of July, 1778. He took Cahokia shortly afterwards. Vincennes on the Wabash in Indiana was next captured, only to be recaptured by the British, and then again it was stormed and captured by Clark at the close of one

of the most remarkable marches anywhere recorded. Clark's campaign marked him as a general of commanding ability, and he was styled the "Hannibal of the West." It will be noticed that the capture of these posts gave the Colonies, at the close of the Revolution, a good claim to the territory that these posts commanded. Clark's services to our country can scarcely be overstated.

Inasmuch as Colonel Clark was a Virginian, Virginia considered the territory acquired as a part of her domain. She also considered it hers by grant of King James to the London Company in 1609. This grant was from a point 200 miles north and a point 200 miles south of Point Comfort, and thence running "west and northwest from sea to sea." It would seem that without question this was intended to include Illinois. So Virginia secured by this campaign what she claimed as her own by grant. It should, however, be stated that this grant was in part disputed by both Massachusetts and Connecticut, for their charters also gave them territory "from sea to sea," and in the extension of their north and south lines, they claimed some of the territory assumed to be in Virginia's grant. From 1778 to 1787, Illinois formed a part of the County of Illinois, and was governed as a part of the possessions of Virginia. In 1787, the conflicting claims to the territory northwest of the Ohio being settled, and all the land being ceded to the Confederation, the Northwest Territory was organized, of which Illinois formed a part.

General St. Clair was the first governor, and continued in office until the Territory was divided in 1800. Then most of what is now Illinois, Indiana, Michigan,

and Wisconsin was formed into the Territory of Indiana, and William Henry Harrison was the first governor. In 1809, Illinois and Wisconsin were organized into the Territory of Illinois. Ninian Edwards was the first governor.

The War of 1812 soon followed, and Illinois suffered severely at the hands of the Indians. Soon peace came, and with it prosperity. Now Illinois began to aspire to statehood, and in 1818 she was admitted to the Union. Let us follow the steps by which the admission was accomplished. In January, 1818, the Territorial Legislature petitioned Congress that Illinois be admitted to the Union, and on April 18, Congress passed what is called "an enabling act." The first paragraph is as follows: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of the Territory of Illinois be and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper, and the said state when formed shall be admitted to the Union upon the same footing as the original states in all respects whatever."

The counties of the Territory, fifteen in number, were authorized to meet in convention of thirty-three delegates to form a constitution. These fifteen counties were all in the southern part of the Territory, and were as follows: Bond, Crawford, Edwards, Franklin, Gallatin, Jackson, Johnson, Madison, Monroe, Pope, Randolph, St. Clair, Union, Washington, and White. The convention met and framed the constitution of 1818.

An election was held in accordance with this constitution in September, 1818, and the State government was organized at Kaskaskia in the following October. Shadrach Bond had been elected governor; Ninian Edwards and Jesse B. Thomas were elected senators; judges were elected, and so the machinery of the State, legislative, executive and judicial, was set in motion. It will be noticed that in the first section of the "enabling act" Congress made a conditional promise to admit the Territory. As the conditions had been fulfilled, on December 3, 1818, Illinois was admitted as one of the United States. How many States in the Union before her?

To this point, we have traced the history of our State from the times of the Jesuits. We have seen religious zeal explore her plains. Forts have been built; towns have been founded, and trade opened with the lower Mississippi; we have seen the mild government of the priest and commandant, and the people and Indians happy and contented. So far as one could then see, there was to be a mighty French empire in the valley of the Mississippi. Almost in an instant all this is changed, and in the place of the French comes the English. The western world is to be English in civilization and language. But this is not all. It is to be American, and so all this great valley passes from the control of England, and Illinois, once the possession of the French and then of the English, becomes in turn our home.

We are now ready to study the way Illinois is governed.

CHAPTER II.

THE TOWN.

I.

THE CONTEST BETWEEN TOWN AND COUNTY GOVERNMENT.

OUR State is divided into counties, the counties into towns, and the towns into school districts. If we have never thought how government of any particular kind is first developed, we very likely would say that the State was first established, after that the county, then the town, and last of all the school district. Yet we find that the reverse is usually the case. Our system of government is modeled quite closely after that of New England, and it may be well to consider how the Pilgrims and the Puritans governed themselves. Even before this is stated, we must remember that these same settlers of Massachusetts brought with them their ideas of government from the old world. History tells us that they were very democratic; that is, they were firm believers in local government. Where did they get this idea? From old England and from their Saxon ancestors. Local self-government is best carried on in the town, and so it happened that when the settlers came to Massachusetts, they immediately formed themselves into little settlements which they called towns, and meeting together for council and protection as well as

to establish a government for the few families near together, they called the meetings "town meetings." So the town was the unit, and from this, going in one direction, came the county and the State; going the other, the school district. So we may think of the county as a number of towns, the State as many more towns, and the school district as a part of the town.

It will be well to consider this *town*, for it seems to be one of the best ways yet devised to govern small communities.

We have said that the people met in town meeting. What is the fundamental idea in this? That every one should have the right to express his opinions and to vote on all public matters that come up for decision. Perhaps this seems a matter of no great importance, but this very privilege is of *great value*. The town meeting is a school where the matters that concern the town are talked over, studied, and learned. Each is the teacher of every other one, and it is a great power to raise a man, if he can say something that is of some benefit to his townsmen, and in turn can learn something from his friends that may be of benefit to him. He can vote as he desires. To vote is the highest privilege that a citizen can enjoy, and it should have a tendency to make a citizen better from the very fact that he does vote.

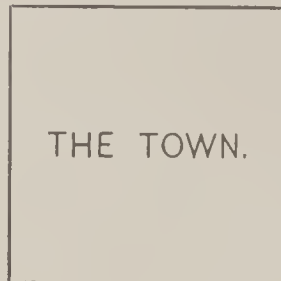
This careful discussion of town matters is not seen now in our larger places, for the discussion is carried on in the newspapers, or voters are careless about the business that is to be voted on; but when the old New England town meeting idea is fully carried out, it is a source of benefit to all the citizens.

This system of towns and town meetings spread all over New England, but in Virginia and the South, the unit was, for purposes of government, not the *town*, but the *county*.

You will remember that the State of Illinois was granted by the Crown to a company of men who settled in Virginia. This was the inference and the claim from the grant. It was natural that the Virginia way of government, or, if you please, the Virginia unit, should control in the new State. This was the way matters actually came out. The Territory of Illinois was organized gradually into counties, but the counties were not divided into towns as in New England. The county was the unit of government, and remained so for some time. Meanwhile the contest was being carried on between the town idea and the county idea. Which was the best unit for government? In the South the county unit was preferred; in the North, the town. So at the North, the town meeting was everywhere known; at the South, it was unknown. Illinois was settled by people from both the North and the South, and so we may say that our State was a battle-ground for the two ideas of government. The town had come to have so many friends that, in the constitution of 1848, the people were given local option as to what the unit should be. That is, in that constitution, the General Assembly were directed to pass a law by which each county might have town government if a majority of the voters desired it. The present constitution contains a similar provision. So the Puritans' town meeting had gained permission to live in the great State of Illinois. Town government was soon adopted by many counties, until

now there are only twenty-one which retain the Virginia system.

Except in one particular which will be soon mentioned the *town* is the unit for local government in eighty-one counties of our State. We will suppose that our unit has a population of 1000 and will represent it thus:—



II.

THE EXECUTIVE DEPARTMENT.

It is evident that there must be some one to be the head man of this thousand, who will do the most important business for it. We will call him a supervisor. In New England, the people call him a selectman. What is his business? First, he must act as treasurer of all town money except the school fund, and the highway and bridge fund; he must look after the town paupers; he must post up the election notices he receives from the county clerk; he must report to the town board of auditors on Tuesday before the annual town meeting all sums of money received and paid out by him during the year. Is such a provision wise? Besides, the supervisors of all the towns in the county

are required to meet in session twice a year, and such a body is called the county board of supervisors.

The supervisor must also carry on any law suits that are necessary to secure any fines or penalties due the town. He receives \$1.50 per day when working inside the limits of the town, and \$2.50 per day when working outside.

If our supervisor shall refuse to perform his duties, the law provides as follows: "If any supervisor shall refuse or shall wilfully neglect to perform any of the duties of his office, he shall forfeit to the town the sum of \$50 and shall be disqualified to act as supervisor."

If our town has more than 4000 inhabitants, there is one "assistant supervisor" for each additional 2500. The name is hardly indicative of the duties of the office, for in the town the assistant supervisor has no duties at all except to act as a member of the board of health. In the county board of supervisors, he has equal rank with the rest. Supervisors are elected once in two years.

But are these duties laid upon the supervisor all that our town will need to have performed? Shall we need other officers? Yes. First, records must be kept, and so the town must have a book-keeper. A town without records would be like a business man without books. This book-keeper is called the town clerk, and he is elected annually in town meeting.

What are his duties?

First, as he is a clerk, we shall expect him to keep a record for the one who employs him, the town. This he does. Whenever the citizens meet in town meeting, he records the proceedings; and if officers are elected,

he must send a list to the county clerk within twenty days. He must post notices of the town meetings, written or printed, in three of the most public places in the town ten days before the meeting, and also have a notice published at least once before the meeting in a local paper, if one is published in the town. He must also act as a member and clerk of the town board of auditors, of which we shall speak a little later. He is clerk also of the highway commissioners and of the board of health. He also does what we should expect of a clerk, — he takes care of the books, and records and papers of the town. He sees to the printing and distributing of ballots in town elections. On or before the second Tuesday of August he must send to the county clerk a statement of the amount of taxes to be raised in town for that year. He is elected for one year.

Thus far our unit, called the town, has had use for two officers. Does she need more? Clearly; for no provision has yet been made to collect what money the town may vote to raise. These 1000 people have started housekeeping on a large plan, and they must have a good deal of money. Suppose they have voted to raise so much money by taxation; some one must have the duty placed on him of apportioning and collecting it. The town clerk might do it. He is not usually overburdened with work, but the people of New England, from whom we copied so much, preferred to have special officers to apportion and collect the money.

If our 1000 people are to raise \$3000, each tax-payer might be called on to pay perhaps \$15, and that would

be a very quick and and also a very unjust way out of the matter. Why would it be unjust?

So the town makes what is called an assessment, and the officer who does this is called an assessor. That is, he makes an estimate of each man's property, valued usually from a fourth to a half of what the property is considered actually worth. When is this assessment made? But this is only a part of what must be done. The county clerk must take this assessment and find each man's tax and then this must be collected. The town meeting elects a man to collect this tax and calls him a collector. Frequently the same one is elected both assessor and collector. As soon as the collector has collected the tax, he is to pay it over to the proper persons. The town must have schools, and so some of the tax will be paid by the collector to the treasurer of the school fund; roads and bridges must be cared for, and so a part of the tax is paid to the treasurer of the men who care for the roads, that is, the highway commissioners. That part of the tax raised for general purposes goes to the supervisor. The collector and assessor are elected annually.

We have just spoken about schools. Our Puritan ancestors were very anxious to have good schools. One of the first things they did was to establish them. The town cared for them. But, in this particular, we have not followed their example. It would simplify matters very much if the town was the unit for school matters, but it is not; that unit is the township. Our State was first surveyed into what are called congressional townships for the purpose of facilitating the description and transfer of land; then these "congressional townships"

were made school townships by State law. After a time, in most counties the town was organized, but it did not have anything to do with school matters. *These are still handled by the township.* Or, to state it another way, the township was changed into a town in every particular except as regards schools. In this respect it is still a township. When townships were changed into towns, in most cases the area embraced was exactly the same. In some cases it was not. Where it is the same, the election of the officers of the school township occurs on the same day as that of the town; if not, on the second Saturday of April.

Keeping this in mind and remembering all the while that when the town meeting is called upon to elect three trustees of schools, it is really voting as a township and not as a town, we add these to the officers to be elected. Their duties will be given when speaking of the school district.

We have seen that our unit of 1000 persons has thus far found it necessary to have a supervisor, a book-keeper, called a clerk, a collector, an assessor, and three trustees of schools. What other interests are to be seen to? Can you suggest? Perhaps it may be said that all the other interests of the town might be cared for by the supervisor, but this was not the New England idea. They were so democratic that the offices must be divided among many and not concentrated in the hands of a few.

We have not provided any one to look after the roads and see that they are kept in repair. The benefit of good roads can scarcely be overestimated. How many days in a year do you suppose the roads of Illinois are

impassable? The town elects three men called highway commissioners to see to its roads. They might with propriety be called supervisors of roads. They must elect one of their number treasurer; we have heard of him when studying about the collector. They have power to divide the town into a suitable number of road districts; they can build bridges or repair them; can lay out, vacate, or repair roads; assign the people to certain places to work on the roads; they take possession of scrapers, plows, and all other tools belonging to the town, and give direction to the overseers of highways. They can levy and collect a road tax or see that it is "worked out." This tax cannot be over forty cents on \$100, unless by vote of town in town meeting; and then it cannot be over sixty cents. Finally they must report to the board of town auditors once a year, giving a complete account of work done and money expended. They are elected for a term of three years, one being elected each year.

We have said that the commissioners elect one of their number treasurer. The law provides that "the treasurer so chosen shall receive and have charge of all moneys raised in the town for the support and maintenance of roads and bridges. He shall hold such moneys at all times subject to the order of the commissioners of highways, and shall pay them over on their order or a majority of said commissioners, and not otherwise."

We have used the term "overseers of highways." Perhaps it would seem that no other officers are needed to look after the highways, but we find that the commissioners appoint as many overseers of roads as there

are road districts in the town. Now as every able-bodied male between the ages of twenty-one and fifty is required to work on the highways in the district in which he lives from one to three days, unless he prefers to pay his tax in money at the rate of \$1.50 for a day's work, there must be some one to see to this matter and see that the tax is "worked out" or the money paid. The overseer does this work. He notifies the persons from whom road work is due, when they are to work and where. He must give the persons three days' notice. And, finally, he must repair and keep in order the highway in his own district. In this connection we must speak of two other officers that are found necessary in towns. The first is a pound master. He is elected at town meeting, or it is arranged that he may be appointed. There may be more than one. He is to have charge of the pound, and shut up the stock running at large, and hold it until the owners pay costs and take charge of the stock. The other officer referred to is a commissioner of Canada thistles. He is appointed by the board of auditors for a term of three years, and is paid \$2 per day while employed. His duty is to destroy the Canada thistles found growing in the town. He must make an annual report before the first of November to the supervisor.

III.

THE JUDICIAL DEPARTMENT.

Our town has not yet provided for a department of justice. In the best state of society men will violate law, and it is not to be supposed that in our town of 1000 it will be different. So the town appoints officers called justices of the peace to see that the laws are obeyed. It chooses officers called constables to carry out the orders of the justices.

In our town it is quite certain that some one will think he has been wronged in some matter and will want to go to law about it. If the sum in dispute is not more than \$200, the justice may try the case. This is called a civil suit.

But suppose that some one commits what in law is called a misdemeanor, which can be punished by fine only and this not to exceed \$200, or suppose that an assault or an assault and battery are committed; then also the justice may try the case and it is called a criminal suit. By misdemeanor is meant an offence for which a person cannot be put to death nor sent to the penitentiary.

By assault is meant the ability and the attempt to injure another; by assault and battery, the unlawful touching of the person of another. So the justice may have quite important matters to decide. The peace and good order of the community will depend in a measure on his faithfulness. But this is not all. Suppose a burglary has been committed in the town, and some one has been arrested for it. He is taken before

the justice, and if the latter has reason to think him guilty, he sends him to jail; or if the accused can obtain bail, the justice usually "admits to bail" as it is called. It may be that the person is accused of so great a crime that he will not be admitted to bail.

By bail is meant that one or more persons pledge themselves to pay a certain sum into the public treasury if the person bailed does not appear in court at a stated time. The accused is then free until the time stated, when he must appear in court or "forfeit his bail." When the grand jury meets at the next term of court, he is either indicted or set free; if indicted he is tried by the court.

But who shall see that the orders of the justice are carried into effect? The person is called a constable. He is to execute all the orders of the justice or other magistrates, and is also to act as a policeman in arresting all persons whom he sees breaking the law. Our town will therefore elect at the annual town meeting two justices of the peace and two constables. If the population should increase, more would be needed; and so one justice and one constable are added for each additional thousand in population above 2000, until the number reaches five. Both justice and constable are elected for four years and are paid by fees prescribed by law.

But if the county does not have township organization, you will wish to know how the local judicial matters are managed. In such a case the unit is not a portion of the county but the county itself; still, for convenience, the county commissioners divide the county into election precincts for general election purposes, and these elect constables and justices precisely as towns do.

IV.

THE LEGISLATIVE DEPARTMENT.

The Town Meeting.

We have heard much of the town meeting and shall be interested to know how it is conducted and what powers it has. As preliminary to the meeting, we have found that the town clerk has a certain duty. What is it?

This done, on the first Tuesday of April in each year, the voters of our town will meet in town meeting. At some time between eight and nine o'clock in the forenoon, the clerk calls the meeting to order. He acts as temporary chairman until the moderator or regular presiding officer is elected. This is done at once. The clerk, as we have learned, must record the proceedings. We must also be sure that the voting is done honestly; and so the supervisor, assessor, and collector, with the moderator, are made judges of election, and together they conduct the election. Our 1000 people speaking through their legal voters have elected a moderator. He must now take an oath to faithfully discharge his duty. The clerk must produce a suitable ballot box, and then the business of the day begins. This box must be shown to be empty before balloting and is then locked. What officers are to be elected? They have been given. Enumerate them. Before the day of meeting, booths or stalls have been erected; and in each is a shelf at a convenient height, and, on the shelf, pen, ink, and pencils for marking ballots.

In the front of each booth is a door or curtain to insure secrecy in voting. Let us suppose that the voting begins. Who may vote? All males who are of age and have lived in the town thirty days,¹ in the county sixty days, and in the State one year. Suppose a voter wishes to cast his ballot. He comes to the judges and they give him a ballot; he passes within one of these booths, marks his ballot in a way that will be described more fully hereafter, and then passes out, hands his ballot folded to a judge of election, and thus has voted, if he so desired, for all the officers that are to be elected. Instead of all voting at one place in large towns, voting may be carried on in several places. To allow this the number of votes cast at the last general election must have been more than 450. Voting is kept up until two o'clock P.M.

Then it is suspended and the miscellaneous business of the town is transacted. What may be done at such a meeting? In general, anything that is for the interests of the town. Of course it is of great importance that the town's officers have been faithful to their trusts, and so the meeting hears and acts on the reports of these officers. Can you trace this idea in other positions in our government, either State or national? Money must be raised for the expenses of the town, and so our meeting has a right to vote to raise money by taxation for the constructing or repairing of roads or bridges, for the prosecution or defence of suits of law, and for some other purposes. The voters may offer rewards for the destruction of Canada

¹ If there is more than one voting precinct in the town, the voter must have had a home in his precinct thirty days.

thistles; they may offer premiums for growing trees by the roadside; they may make rules concerning fences; they may regulate or prohibit stock from running at large; they may establish pounds and make regulations about placing in them stock found running at large.

They may provide for public wells and watering places, and prevent the placing of anything detrimental to health within the town limits. The town may decide whether the road tax voted shall be paid in money or in work.

When a question is put to a vote, the moderator says, "All those in favor of the motion say aye; contrary, no." If the moderator is himself uncertain or if any one in the meeting questions his decision, he asks those in favor of the motion to rise, while they are counted, and then those who are opposed to stand and be counted. Or those who favor a motion may move to one side of the house, while those who oppose move to the other. After the miscellaneous business is finished, the voting is resumed and continues until the closing of the polls. When the polls are closed, the judges of election count the ballots and the clerk records the result and then declares the result to the meeting. But it readily occurs that it may be necessary to have the town meet in a general meeting oftener than once a year. Matters of great importance may arise suddenly and demand immediate attention. So our town may have special town meetings if the supervisor, town clerk, and a justice (or any two of them), and fifteen voters of the town file in the clerk's office a statement in writing that a special meeting is necessary for the

good of the town and setting forth the object of the meeting. Is this a wise requirement? Then a notice of such a meeting must be given as for a regular meeting. This notice must state the object of the meeting as it has been filed and no business shall be done at this meeting except that for which it is called. Is this restriction wise?

This is the way that a town meeting is conducted. Can you think of any points of excellence in addition to those already mentioned? This will be a very interesting and profitable subject to study.

We have elected our officers with the idea that they are honest men and good business men. These are the first and chief qualifications in a town officer. The town is a large family and demands for its wise government the best business talent that can be had. Before assuming the duties of his office, each officer takes an oath in which he promises to support the Constitution of the United States and the constitution of Illinois and to faithfully discharge the duties of his office. This is a provision of the constitution. Find it.

The town must be sure that the money raised will not be squandered, and so requires from each officer a bond for double the sum of money that he will receive. By this is meant that the officer and at least two other persons of sufficient property agree in writing to pay into the public treasury a certain sum of money if the officer whose bond they sign does not take proper care of the public money.

There is another provision in town government to secure faithful service. Four or more men, namely, the supervisor, clerk, and the justices, form what is

called the board of town auditors. They meet twice a year in the town clerk's office, on Tuesday before the annual meeting of the supervisors of the county and on Tuesday before the annual town meeting. At these meetings, they examine the accounts of the highway commissioners and of the supervisor. They also examine and approve or disapprove all bills against the town. This includes the compensation of all town officers except of supervisors for county services.

It is plain that since this board has for its business to see that the town is not defrauded, it is a very important body of men. Such checks as it furnishes are necessary in all governments. Do you think that there is anything peculiar in the composition of the board? Anything that is not desirable?

There is another board, composed of the supervisor, clerk, and assessor, called the board of equalization. It must prevent injustice on the part of the assessor. Once a year, on the fourth Monday of June, the board meets to hear the complaint of any one who thinks that he has been assessed too high. If this is found to be so, the assessment is decreased. There are two other boards of the town with quite different purposes. One is the board of appointment. It is composed of the supervisor, clerk, and justices. If a vacancy occurs in any town office, the board elects some one for the unexpired term.

The board of health is composed of the supervisors, the clerk, and the assessor. Notice the plural of supervisor. It is the duty of this board to prevent the spread of contagious diseases.

These are the officers that the towns of Illinois have

thought necessary for efficient government. Noticing their number and what duties each officer performs, we see how democratic we are and how little we believe in the one man idea. Responsibility is divided and checks established to secure honesty. Do you think that this division of duties promotes or diminishes efficiency?

What is the longest time for which any town officer is elected? Would a longer time of service make better officers? Are the officers in your town frequently changed? We often hear this expression concerning some one who is a candidate for re-election to a town office: "He has had it long enough. Pass it round." What do you think about the wisdom of such a remark? Discuss this statement from a business man's standpoint.

The pay of town officers is not uniform. That of the supervisor has been mentioned. Some are paid by fees, wholly or in part. Find out, if possible, the sum that is paid to the officers in your town each year.

It will be well to notice again that the government of the town has three departments, — the legislative, the executive, and the judicial. Enumerate the officers in each. It will be interesting as we proceed in our study to see if this threefold division occurs in the other units.

Before we pass to the study of the next larger unit, let us think over carefully how "town" differs from "county" government, the Massachusetts idea from the Virginia idea. Which is the better suited to Americans? Arguments for the "town" system are found in the preceding pages. What arguments can be given in favor of the "county" system? They must exist, for twenty counties of our State still retain that system.

CHAPTER III.

THE COUNTY.

I.

THE LEGISLATIVE DEPARTMENT.

THE next larger unit in our system of government is the county. We may represent it, and the fundamental unit thus: —



We found that the mainspring of the town is the town meeting.

In the county, the people are still supreme, but they have delegated their authority to men of whom we have spoken, the supervisors. We have found that they have certain duties as regards each town. They also meet, together with the assistant supervisors, to transact business for the county, and are then called the county

board. They meet by law twice a year and oftener if one-third of the members request a special meeting.

The regular meetings are on the second Monday of July and the second Tuesday of September. These meetings are held at the county seat and at the courthouse, if that be convenient. They are open to all. Is this a wise provision? As the town clerk calls the town meeting to order, so the county clerk calls this county meeting of the people to order. Then the supervisors elect one of their number chairman. He will preside over the meetings and will appoint committees to aid in business. These committees will report to the board, who will adopt or reject the reports. Since the supervisors act for the people, it is their duty to let them know what they as servants have done. And so the proceedings of the board must be published in a county paper unless the cost be extravagant.

One of the powers of town meetings was to vote to raise money, and their representatives have the same delegated power in the county. They may vote to levy a tax not to exceed seventy-five cents on every \$100 of valuation for ordinary county taxes. They may levy a tax not to exceed 100 cents on \$100, to pay interest and principal of any debt incurred before the adoption of the present constitution. If the supervisors desire more money, they must ask the people to vote it at the next election.

Because the people acting through their representatives are supreme, the supervisors may change the boundaries of towns, make new towns, and give them names.

They must erect a suitable court-house, jail, and other necessary public buildings. Fire-proof safes must, if

possible, be provided for certain county officers. The board must have charge of all the real and personal property owned by the county, look after the lawsuits, examine and settle just accounts against the county. They must examine the accounts of the county treasurer and count the money in his hands twice a year. They fix the pay of county officers except the county superintendent of schools.

They must select grand jurors and make a list from which the circuit clerk may draw a list of petit jurors. Because it is of so much importance that every taxpayer be informed of the acts of the public servants who have expended the money he has paid in taxes, the board is required to make out at its meeting in September a full and accurate statement of the receipts and expenditures of the preceding year, and to have this published in a county paper. This publication in some degree compensates for the critical discussion the report might receive at a town meeting, were one held in each town to which the board made report. We must not fail to mention one other duty of the board. At the meeting in July, it must continue the work of the town boards of equalization. If any person in the county thinks that his property is assessed too high, he may appear before the board and have the matter investigated, and also, if the valuation in one town is too high as compared with other towns, the board corrects it.

Twenty-one counties have no board of supervisors, but they have three corresponding officers who together are called the board of commissioners. They are elected at the general election for State officers.

(See constitution, article 10.) We have already noticed, when studying of local judicial matters, that in counties not under township organization the commissioners divide the county into election precincts, for the purposes of voting. For instance, Morgan County, with twenty-four townships, has thirteen precincts. These precincts are subdivided into election districts. The board also divides the county into road districts to facilitate the care of the highways.

II.

THE EXECUTIVE DEPARTMENT.

We have found that the board was divided into committees to facilitate the work. These committees may have special orders given them by the whole board to do certain acts. In such a case, it is evident that the committees are not legislative groups, but servants of the whole board. So the first executive officers of the county we mention are committees of the board. When are they executive? When not? The next officer to be noted is the clerk. Some of his duties are such as we should expect from such an officer, but because there is so much work to do, the county employs another clerk and calls him a recorder.

The county clerk is also the clerk of the county court, of which we shall speak soon, so he must attend its sessions and keep a complete record of them. He is also clerk of the county board and must in that capacity keep a complete record of its transactions.

He must keep a record of all official bonds filed in his office, and a record of all orders for money drawn on the county treasurer. It will very frequently happen that a copy may be wanted of some paper in the clerk's office. This he must furnish for a fee established by law, and he must have all records properly indexed. He also issues marriage licenses. He has a very important duty in connection with a general election. He must give notices to the proper officers to post, announcing the election, at least thirty days before it is to take place. He also has charge of the printing of the ballots in county elections, and must see that they are properly distributed to the judges of election. After the election, when the ballots are returned to him, with the assistance of two justices of the county, he must count the votes and make abstracts of them, and send copies to the secretary of State. He has one more important duty. We have seen, when studying about the assessors in the town, that the county clerk took their books and from them made out the tax that each person must pay. He can do this, for the proper officers in the towns have sent him a statement of the tax that must be raised. How will the clerk proceed to compute the tax?

There is another very important county officer, the recorder. It is his duty, when asked to do so, to record all mortgages, deeds, and other papers pertaining to the titles to lands. He also records mortgages of personal property. The former duty is very important. If we think for a moment, we see that it is very necessary that the records concerning land should be most carefully kept. It is so important a matter that the county undertakes to do it. Have you ever heard of

deeds being lost? Then the recorder could furnish evidence about the deed. His records are all open to the public; that is, any one may examine them without charge. He is paid by fees.

Where the population of the county is less than 60,000, the recorder is also clerk of the circuit court. This will be referred to later.

When we were studying about the board of supervisors, it may have occurred to some of us that since they had authority to levy a tax, there must be some one to care for the money when collected. If our county is conducted on the same plan as the town, would it have a treasurer, so called, to care for the money? If you are inclined to answer yes, look at the matter carefully. The county has a treasurer who must receive and keep all the public money belonging to the county and pay it out in the way prescribed by the law. He must keep books of account, and these are open to any one who desires to examine them. He makes a report to the county board at each of its regular meetings, and at least twice a year settles with the board. See if you can find anything in our State constitution about the re-election of a treasurer. Another very important officer of this unit called the county, is the superintendent of schools. His duties will be spoken of later under our school system. A county surveyor is elected to make surveys when called upon and to keep records of them.

These officers constitute the *executive* department of the county. Enumerate them. For their term of office, consult the constitution. Who regulates their pay?

III.

THE JUDICIAL DEPARTMENT.

It is quite evident from what we have seen of our system of government that we could not get along in the county without a judicial department, and so we shall expect to find one. If the town could not get along without its court, much less shall we expect the county.

Our county court has the following officers : a judge, a sheriff, a clerk. Besides, and belonging to the judicial department of the county, are a State's attorney, and a coroner.

The county court has two jurisdictions. This is a legal term and needs explanation. When we speak of the jurisdiction of a court, we mean that the court has the right to try certain kinds of cases.

If the court is the only one that can try such cases, we say that the court has exclusive jurisdiction ; if other courts can also try such cases, we say that the court has concurrent jurisdiction ; if a case may be begun in a court, that court has original jurisdiction ; if after being tried in a lower court a case may then be tried in a higher, then the latter has appellate jurisdiction.

We also say that courts have jurisdiction over different kinds of cases. The county court has two such jurisdictions, one in law and one in probate. Cases in probate are chiefly those in regard to wills and the settlements of estates ; cases in law are such as you think of when you hear of a case in court.

The county court has exclusive jurisdiction in the sale of land for taxes. It has concurrent jurisdiction with the circuit court in all cases where the justices have jurisdiction and in which the amount in dispute does not exceed \$1000; also in criminal cases where the punishment is not imprisonment in the penitentiary or death; also in cases appealed from justices and police magistrates.

This court has original jurisdiction in all matters of probate, settlement of estates, appointment of guardians of minors, and the settlement of their accounts; also in all matters relating to apprentices. There is one exception to be noted. If the county has more than 70,000 inhabitants, there is a separate probate court to attend to all probate matters. How many counties by the last census should provide for such a court?

It is quite evident that the county court must have records. If not everything would be in disorder. So, as we should expect, the court has its clerk. We have already learned who this clerk is.

But who shall execute the commands of the court? In the unit called the town, we found that there was an officer whose duty it was to execute the commands of the judicial department. We shall therefore expect to find such an officer in this larger unit. He is called a sheriff. It is very interesting to trace the origin of the office and the name. Sheriff is shire-reeve, an officer of the old English shire, or, as we say, county. Each town of the shire sent men to an assembly of the county, much in the same way as the towns now send the supervisors to form the county board. This shire court both made laws for the shire and also tried cases, and

so we very readily see how the county court originated. It was brought by the Pilgrims and Puritans to this country and set in operation at once. Mr. John Fiske in speaking of Massachusetts says, "The county was organized from the beginning as a judicial district with its court-house, jail, and sheriff." In Virginia also, there was the shire, sheriff, and county court. So the Illinois county comes naturally by the sheriff. This officer must attend all sessions of both county and circuit courts. He must preserve order and execute the commands of the court. He must also preserve the peace in his county, and to this end he may arrest all persons whom he sees committing offences and may bring them before the proper magistrate. He is the custodian of the court-house and jail. Therefore he must care for all prisoners in the jail. When prisoners are to be taken to other places, he removes them. He executes those condemned to death. The sheriff has deputies to assist him and is responsible for their acts. Can you find anything in the constitution about the re-election of sheriffs?

Our unit, the county, has found it necessary to have another officer called a State's attorney. The reason is this. There will be of necessity some persons arrested for crimes and either lodged in the jail or bailed out until the time of trial.

It will be necessary for the county to provide some one to look after these cases and see that they are properly tried. If not, since what is every one's business is no one's business, there would be no one to conduct the case against the men arrested, and so they would escape. This would be a great calamity for

good government, and so the county elects this officer, sometimes called a "prosecuting attorney."

In addition to seeing that persons accused of crime are properly tried, he must act as the adviser of county officers or of justices in all county matters; also, if some one brings suit against the county, he must defend the county or any official of the county when the suit is against him as a county officer. He must also begin and prosecute any action brought by any county officer in his official capacity. From this, we see that more than one duty of importance is laid on the State's attorney. Did we find any corresponding officer in the town?

Still one other county officer remains to be described, the coroner. This officer is sometimes in literature called the crowner, and this gives an idea of his original power and the source of appointment, crowner or crown officer. The office is a very old one. Its powers have been gradually contracted until now the chief duty of a coroner is to inquire into any cases of death supposed to have resulted from violence or accident. When such a case occurs, the coroner is to proceed at once to the place where the body is and take charge of it; he must summon a jury of six men and proceed to investigate the cause of the death. He has the power to summon witnesses also. He must keep a record of the inquest and report it to the county clerk. After the inquest, he gives the body into the charge of friends of the deceased or, if there are none, buries it at public expense if necessary. If the jury find that some person is implicated in a criminal manner in the death of the deceased, the coroner has a right to arrest the one on whom suspicion falls and commit him to the county jail.

In case of the death of the sheriff or when he is a party to a suit, as sometimes happens, the coroner acts as sheriff.

We have seen, then, the officers that our unit called the county uses for its government. We have seen how the legislative and judicial and executive appear as they did in our first unit, the town. But there is this to be always remembered, that the pure democracy of the town has ceased, and representative government has taken its place. Compare the term of all the county officers (see constitution) with the term in the town. Why are they different? Is it desirable to have them different? As to salaries, we will remember that, with the exception of that of superintendent of schools, the rate is fixed by the board of supervisors or commissioners.

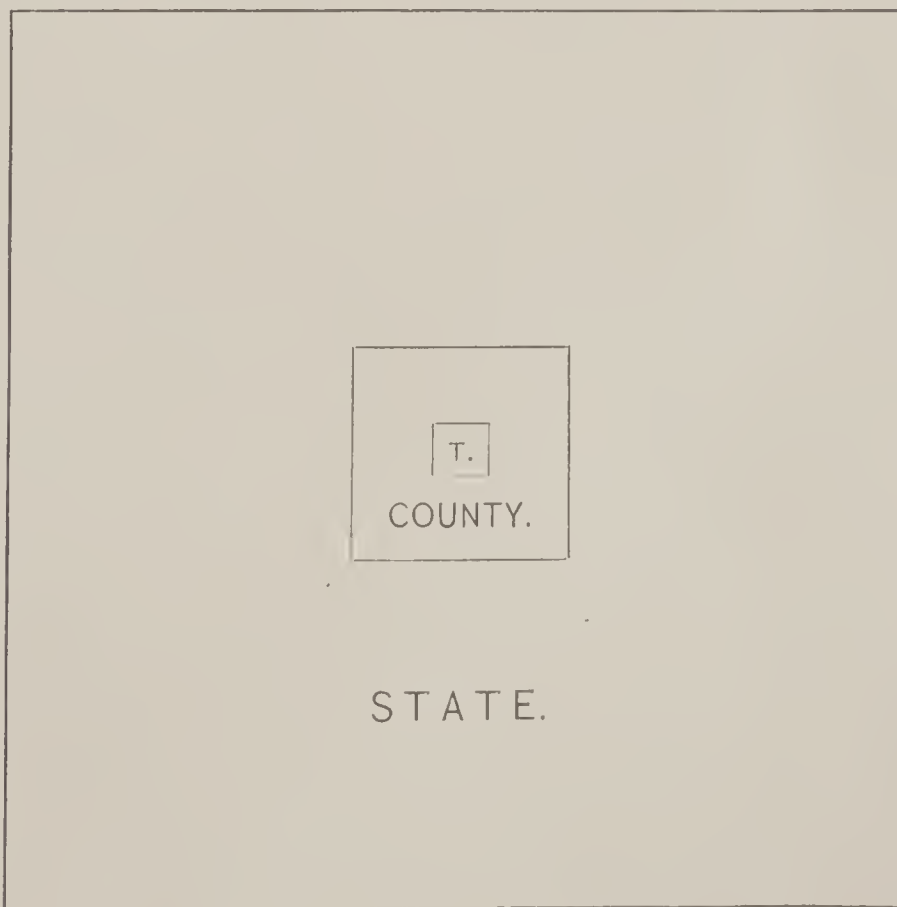
CHAPTER IV.

THE STATE.

I.

THE LEGISLATIVE DEPARTMENT.

THE next larger unit is the State. Without any attempt at proper proportions, as they exist in our State, we may represent the three units thus:—



It seems quite a step from the government of a county to that of a State, even though the State be no larger than Delaware or Rhode Island; it seems a much greater step to go from the county to the State of Illinois with its 102 counties. Yet it is quite probable that the same general ideas that have been found in the government of the town and county, will be found to work well in the State. Moreover, it is evident that the government must be *representative*, for that was found to be necessary in the county because of its increased size over the town; how much more so, then, in the State? It has been explained in Part I. of this book that the State has certain duties and relations to the national government, that the county or the town as such, knows nothing of; but we shall find that, in general, the government of the town is repeated in the State; that is, the town in its government is a very small State, the State a very large town. There is one other peculiarity that we should keep in mind; the State has made a constitution for its own security, and to insure good government at the hands of its officers. For a State to possess such an instrument is a great step in government. The charters that the colonies prized so highly were, in their nature, the same as our State constitutions. You will recall the story of the charter oak, and the determination of other colonies not to surrender these protections of their liberties. A constitution is the supreme law of the State, and no law can be made binding on the people that is contrary to it. Illinois has had three; the first in 1818, the second in 1848, the third in 1870. Notice how the constitution begins: "We, the people of the State of Illinois." We are

always, then, to remember that the people are the real power, and since they have made a constitution, it is quite plain that they have the power to alter it. Accordingly, we find that the constitution can be amended, and since 1870 five amendments have been adopted. What is the substance of each? You have noticed one when studying, concerning sheriffs and treasurers of the county. Since the people cannot all assemble to make the laws, it is evident that they must select men to represent them.

In the county the people are represented by means of the supervisors or commissioners; in the State, by men called representatives. These, as a body, are called the General Assembly. It has two divisions—the Senate and the House of Representatives. The Assembly meets regularly at Springfield, once in two years. The sessions begin at twelve o'clock, noon, on Wednesday next after the first Monday in January in the odd-numbered years. There are fifty-one senators and 153 representatives. To secure this number, the State is divided into fifty-one districts, each sending one senator and three representatives. It may occur at this point that such an arrangement might not be just, because some of the districts might, by the growth of population, become much more populous than others, and so they should have more representatives and senators than less populous districts. This, certainly, would be unjust under a government with our ideas of each man having an equal voice in the government of the State. The difficulty is overcome in this way. The census of the United States is taken once in ten years. After each census, it is the duty of the General Assem-

bly to divide the State into fifty-one districts. The unit of population desired in each district is found by dividing the population of the State by fifty-one. No district can have less than three-fourths of this unit. These districts must be of contiguous and compact territory, bounded by county lines, and contain as nearly as possible the same number of inhabitants. The State has not been redistricted for the census of 1890. The districts, as divided after the census of 1880, are as follows : —

Senatorial and Representative Districts.

First — The ninth and tenth wards of Chicago, and that part of the eleventh ward north of the center line of Van Buren street.

Second — That part of the fourth ward of Chicago south of the center line of Twenty-ninth street, and the towns of Hyde Park and Lake, in Cook County.

Third — The first, second, and third wards of Chicago, and that part of the fourth ward north of the center line of Twenty-ninth street.

Fourth — That part of the eighth ward north of the center line of Taylor street, and that part of the eleventh ward south of the center line of Van Buren street, and the twelfth ward of Chicago.

Fifth — That part of the sixth ward west of the center line of Throop street, the seventh ward, and that part of the eighth ward south of the center line of Taylor street in Chicago.

Sixth — The eighteenth ward, that part of the sixteenth ward east of the center line of Sedgwick street,

and the fifteenth ward of Chicago, and the towns of Lake View and Evanston, in Cook County.

Seventh — The towns of New Trier, Northfield, Wheeling, Palatine, Barrington, Hanover, Schaumburg, Elk Grove, Maine, Niles, Jefferson, Norwood Park, Leyden, Proviso, Cicero, Riverside, Lyons, Lemont, Palos, Worth, Calumet, Thornton, Bremen, Orland, Rich, and Bloom, in Cook County.

Eighth — Lake, McHenry, and Boone counties.

Ninth — The thirteenth ward, and all of the fourteenth ward except that portion thereof lying east of a line drawn from a point where the center line of Milwaukee avenue intersects the center line of Ohio street, northwest along said center line of Milwaukee avenue to the center line of Ashland avenue, thence north along the center line of Ashland avenue to the center line of Clybourne place, thence northeasterly along the center line of Clybourne place to the north branch of Chicago River, in the city of Chicago.

Tenth — The counties of Winnebago and Ogle.

Eleventh — The fifth ward and that part of the sixth ward east of the center line of Throop street, in Chicago.

Twelfth — Jo Daviess, Stephenson, and Carroll counties.

Thirteenth — That part of the fourteenth ward lying east of a line drawn from the intersection of the center line of Milwaukee avenue with the center line of Ohio street, northwest along the center line of said Milwaukee avenue to the center of Ashland avenue, thence north along the center line of Ashland avenue to the center line of Clybourne place, thence northeasterly along the

center line of Clybourne place to the north branch of the Chicago River; that part of the sixteenth ward west of the center line of Sedgwick street, and the seventeenth ward in the city of Chicago.

Fourteenth — Kane and Du Page counties.

Fifteenth — Will.

Sixteenth — Kankakee and Iroquois.

Seventeenth — De Kalb, Kendall, and Grundy.

Eighteenth — Livingston and Ford.

Nineteenth — Whiteside and Lee.

Twentieth — Marshall, Woodford, and Tazewell.

Twenty-first — Rock Island and Henry.

Twenty-second — Knox and Fulton.

Twenty-third — La Salle.

Twenty-fourth — Hancock, Henderson, and Mercer.

Twenty-fifth — Bureau, Stark, and Putnam.

Twenty-sixth — Peoria County.

Twenty-seventh — Warren and McDonough.

Twenty-eighth — McLean.

Twenty-ninth — Logan and Macon.

Thirtieth — Champaign, Piatt, and De Witt.

Thirty-first — Vermilion and Edgar.

Thirty-second — Douglass, Coles, and Cumberland.

Thirty-third — Moultrie, Shelby, and Effingham.

Thirty-fourth — Mason, Menard, Cass, and Schuyler.

Thirty-fifth — Adams.

Thirty-sixth — Brown, Pike, and Calhoun.

Thirty-seventh — Scott, Greene, and Jersey.

Thirty-eighth — Macoupin and Morgan.

Thirty-ninth — Sangamon.

Fortieth — Christian and Montgomery.

Forty-first — Madison.

Forty-second — Bond, Clinton, and Washington.

Forty-third — Fayette, Marion, and Jefferson.

Forty-fourth — Clay, Richland, Wayne, and Edwards.

Forty-fifth — Clark, Jasper, and Crawford.

Forty-sixth — Hamilton, White, Wabash, and Lawrence.

Forty-seventh — St. Clair.

Forty-eighth — Monroe, Randolph, and Perry.

Forty-ninth — Saline, Gallatin, Hardin, Pope, and Massac.

Fiftieth — Jackson, Union, and Alexander.

Fifty-first — Franklin, Williamson, Johnson, and Pulaski.

At each general election, meaning by that an election at which any State officers are elected, a part of the members of the Assembly are elected, all of the representatives, and half of the senators. Senators from the even-numbered districts are chosen at one election, and those from the odd-numbered at the next. The even-numbered districts elect senators in 1892. When vacancies occur, the governor orders a special election, if the Assembly is in session, or will be before another general election. It is possible, when voting for representatives, for each voter to cast one ballot for each of three men to be elected, or to cast one and one-half ballots for two men, or to cast three ballots for one man. This last method is called "plumping." It is usual in districts where there is quite a majority for one of the parties, for the party having the majority, to nominate two candidates, and the party in the minority, one. The majority candidates receive one and one-half

votes each from the voters of their party; the minority candidate receives three votes from the voters of his party. In this way the minority secures a representative, which it would not do if each party nominated three men. This system of voting is called minority representation.

What do you think of the justice of this plan? Do you think of any disadvantages? Does a majority of a few votes rightly entitle one party to all the representatives from a certain locality?

The members, then, of the House are chosen for two years; the members of the Senate for four. Each senator must have attained the age of twenty-five years, and each representative the age of twenty-one, and must have been five years a resident of the State, and for the two years preceding the election a resident of the district from which he is elected. Moreover, he must not be occupying any office except in the militia, or the position of justice, or notary public. What is the reason for this requirement? There is one other very important condition in the constitution (article 4, paragraph 3, first part). What is it? Before assuming the duties of the office, each member is required to take or affirm a peculiar oath or affirmation prescribed by the constitution. (See article 4, paragraph 5.) Explain the reason for such an oath.

Because it is of so much importance that the work of the Assembly be performed, the members are exempt from arrest in civil matters; but they must not receive appointment to any civil office within the State at the hands of the governor, the governor and Senate, or the General Assembly.

The pay of the members is \$5 per day, and ten cents

a mile, necessarily traveled in going to and returning from Springfield. There is an additional allowance of \$50 a session for paper, postage, and the like.

Let us inquire about the organization of the Assembly and its methods of transacting business. First, the House. Each member has received a certificate of election from the governor, and his name has been placed on the roll. At the appointed time, the secretary of State calls the House to order. The House then proceeds to elect a temporary speaker, clerk, door-keeper, postmaster and assistants. Then a permanent speaker is elected, and the other temporary officers are usually made permanent. The House then makes rules for its guidance, for it is quite evident that without rules it would be quite impossible to conduct business. As soon as possible the speaker appoints his committees. These are groups of members whose duty it is to consider carefully any matters that may be referred to them. It would be impossible to transact business with much facility if each matter was to be investigated by all the members of the House. To do this well would take a large amount of time, and it can be much better done by small groups. In our last House there were fifty-one of these committees, and most of them had from fifteen to twenty-one members. One had twenty-five. A majority of the members on each committee are of the same party as the speaker. This officer has great responsibility in the appointing of these committees, for he has it in his power to appoint on them men who are known to be hostile to measures that are sure to come up for consideration. Suppose he does so. When such a measure is introduced in the form of a

bill, it will be referred to an hostile committee, and there it will remain ; or the committee will report that it is not best to have the measure become a law, and usually such report is the end of the matter. The first place on each committee, called the chairmanship, is very much sought after, for it is considered a high honor. Soon after organizing, the governor sends a message to both House and Senate on the condition of the State, and makes any recommendations that he may think best. After the message and the appointment of committees, the business of the House may be said to be fairly started. The sessions are sometimes quite long. The last Assembly was in session from January 7 to June 12. Some sessions are even longer than that.

The Senate is organized in much the same way as the House.

It is called to order at the appointed time by the lieutenant-governor, and then, after temporary organization and the newly-elected senators are sworn in, a permanent organization is effected. A president *pro tempore* is elected to preside in the absence of the lieutenant-governor. There are other subordinate officers such as the House appoints. The Senate is also divided into committees. At the last session there were thirty-nine, most consisting of from nine to nineteen members. Measures such as the members desire to become laws are introduced under the name of bills. Each bill must have a title, as "An act making appropriations for the Illinois Soldiers' and Sailors' Home." Section 1 of each bill begins with what is called an enacting clause. It is as follows: "Be it enacted by the people of the State of Illinois represented in the General Assembly."

This is a constant reminder that the people are the real law-makers.

Each House has a regular order of business. In this is a time for the introduction of bills. When this time is reached in the House, the roll of the members is called in alphabetical order. If Mr. Brown, a member, wishes to introduce a bill, when his name is called he rises in his place and says, "Mr. Speaker, I desire to introduce a bill." The speaker says, "Send it to the clerk's desk." If the member has another bill to introduce he again addresses the speaker in the same way and receives the same answer. Under the rules, he may introduce only three bills on the same day. By the same rules, the bill is then referred to an appropriate committee, and ordered printed. After reference, it is considered by the committee, and if they think that the bill should become a law, they report it favorably to the House. It is then read "at large" the first time, and ordered to its second reading. Reading "at large" means reading all of the bill. On another day, it is read a second time and amended if this is the wish of the House. These amendments are also printed. On a third day, it is read at large a third time and then usually put on its passage. On the passage of the bill, the vote must be by ayes and noes. Find the constitutional provision. What do you infer about the method of voting on the first and second reading? By the rules of the Senate, the roll is not called on the introduction of bills nor are bills ordered printed until reported from a committee. In the Senate also bills are usually read at large a first time before being referred. After a bill has passed one branch of the Assembly, to become a

law it must also pass the other, be signed by both the president of the Senate and the speaker of the House and the governor.

The governor, however, may not approve of the bill. In this case, he returns the bill to the Assembly with his reasons for not signing it. The Senate and House, each by a two-thirds vote of members elect, may pass the bill over the veto, and it becomes a law without the signature of the governor. To which body shall the vetoed bill be sent? The constitution states. What does it state about the time the governor may keep a bill without its becoming a law? Compare the Constitution of the United States (article 1, section 7) with the constitution of Illinois (article 5, paragraph 16). Do you note any difference?

Bills may originate in either House, and sometimes the same bill is introduced into both Houses at the same time. Then whichever bill is first passed by one House is sent to the other for passage there. For a bill to finally pass, it must receive the affirmative vote of a majority of the members elected. When does a bill that has become a law take effect? The day that the governor signs it? Not unless the case is one of what is called "emergency." It must be stated in the bill that an emergency exists. Then if a two-thirds vote can be secured for the bill, and it is properly signed, it becomes a law at once. Without this emergency clause, the bill does not become a law until the first of July following the passage. What reason can you give for allowing time to elapse between the passage of a law and its going into effect?

This, then, is the way in which the people of Illinois,

assembled in town meeting by means of representatives, make their laws. It should never be forgotten that the people are the real law-makers and the real power. Read the preamble to the constitution.

The special duties of each subordinate officer of the Senate and House have not been given because the title of the officer suggests the duties of the office. What three duties of the speaker have been mentioned? What two of the president of the Senate?

Can we define the duties of the General Assembly? Only in the most general way. If we go back to the town meeting, we may get an idea of the kind of laws that will preponderate. There the laws which always engaged attention, because always necessary, were those about money. It was so in the county; it is so in the State. Of the laws passed by our last Assembly, more than one-fourth of the volume is composed of laws concerning appropriations. What do you understand by this term? The Assembly must also levy taxes and make such other laws as will be for the good of the State. There is one other power worthy of our attention, for it shows the people as supreme and the source of all power. Law is from the people and so they really administer justice. You may have read how a certain king of England was tried and condemned and beheaded by the orders of the people, speaking through a parliament; so our people, while in general handing the judicial power over to judges, courts, and juries, have reserved for themselves as a reminder of their real power the right to sit in judgment on the acts of their servants whom they have elected to office. So State officers are liable to impeachment.

There are several restrictions in the constitution as regards laws that may be passed. Please notice under article 4 and paragraph 22, the tenth particular, also paragraph 26. Do you know whether the last provision is in the constitution of other States? What is the reason for its adoption?

II.

THE EXECUTIVE DEPARTMENT.

Thus far, under the topic of the State, we have studied the people in their chief representative gathering, the General Assembly. But we shall expect to find other departments of our unit called the State, just as we found other departments in the governments of smaller units. Closely related to the legislative is the executive, and the constitution provides for seven officers in this department: Governor, Lieutenant-Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction, and Attorney-General. It will be an interesting study to compare the officers in this highest unit, which we here study, with the officers in the unit called the town. Can you trace similarities? Let the question be put in another form: Is there any State executive officer whose duties are not suggested by some one or more officers of the town?

On the first Tuesday after the first Monday of November, in years in which a President is elected, an election is held for all these officers, excepting the superintendent of public instruction; two years from

that time, the superintendent and treasurer are elected. Can a treasurer succeed himself? What is the term of each State officer mentioned above? We have learned that after each general election a certain officer of each county sends the results of the vote in his county to the secretary of state. At the beginning of each session of the Assembly, and before the work begins, these returns are opened in the presence of a majority of the Senate and House, and the candidate receiving the highest number of votes for each office is declared elected.

When should these officers assume their duties? Have any of the officers an age qualification? Consult the constitution (paragraphs 1 and 5, article 5).

The Governor.

First of all, as he is the chief executive officer of the people, he has in general this duty, to see that the laws are executed. Since he should know better than any one else in the State the needs of all the people, he must give counsel to each Assembly as to the best interests of the State. This advice and statement of the condition of the State is called the governor's message. We have already spoken of it. A very important power of the governor is that of appointment. Many State officers are not elected by the people, but are appointed by the governor. Yet this power alone might be very dangerous, and so it is required that the Senate confirm the appointments. Can you see any reason why the Senate, rather than the House, should confirm the nominations? After a person has been rejected by the

Senate, he cannot again be nominated for the same office at the same session. Is this a wise precaution?

Since the governor has sufficient power to appoint, he may also remove from office, if the person appointed is guilty of neglect of duty, illegal conduct, or is incompetent.

If the interests of the State demand it, he may call extra sessions of the Legislature. Another power conferred on the governor seems somewhat strange, for it would seem at first to belong rather to the judicial than to the executive department. It is the power to grant reprieves, commutations, and pardons for all offences. Cannot judges decide better than persons not versed in law in regard to such matters? The explanation is probably to be found in applying for the moment to the governor the attributes of a king. In olden times, all offences were against the king, and hence, says Blackstone, came his power of "pardoning offences, for it is reasonable that he who is injured should have the power of forgiving." Some States have taken this power from the governor and given to a board of pardons. Can you see any good reasons for such a board?

Finally, the governor is the commander of the militia, and may call it out if occasion demands. His veto power has already been considered. You will remember that he can be impeached and removed from office. His salary is \$6000 a year, and the use of the executive mansion. If the office of governor becomes vacant by death, conviction on impeachment, or other disability of the governor, the lieutenant-governor becomes governor. As lieutenant-governor, he is president of the Senate, but has no vote except in case of a tie. His salary is \$1000.

We have already noticed one duty of the secretary of State in connection with the meeting of the House of Representatives.

He must keep carefully in his office all the acts and resolutions passed by the Assembly, and must also certify to the correctness of the published laws. The public property at Springfield is also in his care. The Assembly provides for the distribution of the laws it passes, and the records of its proceedings, called journals. The secretary must see to this distribution. He is the keeper of the seal of the State, and affixes it with his signature to all commissions issued by the governor. Every justice or notary public has such a commission. The secretary must issue charters to men doing business together under the name of a corporation. To these he affixes his signature and the seal of the State. He must issue registration blanks to the judges of election before each general election, and also see to the printing and distributing of the ballots at such an election. He must report to the governor biennially the business of his office. He gives a bond in the sum of \$100,000. His salary is \$3500 a year.

The auditor of public accounts is both a book-keeper for the State and also a guard over the public money.

As a book-keeper, he must keep an account with either the United States or any State, corporation, public officer, or individual doing business with the State. As a guard of the public money, he examines all bills that are presented against the State, and if he finds that the bill is correct, he gives the party to whom the bill is due a check on the treasurer for the amount of the bill. This check is called an auditor's warrant.

He must report to the governor biennially the business of his office. There are two other duties incumbent on the auditor. First in regard to insurance companies. There are a large number of these doing business in Illinois and it is of the *utmost importance* to the business interests of the State that they be financially sound, so the State directs the auditor to make an examination of the affairs of the companies, and if there is any doubt about their soundness, he must take legal measures to prevent them from doing business in the State.

The other duty is performed in connection with the governor and treasurer. We have noticed when studying about the Assembly that very many of the bills passed were those making appropriations of money. This money must be raised by a State tax. So after the property of the State has been assessed and equalized, the governor, auditor, and treasurer compute the rate per cent necessary to raise the amount required, and the auditor then informs the county clerks.

The auditor must report biennially to the governor, and give bond for \$50,000. His salary is \$3500 a year.

You will recall that we did not find in our first unit, the town, any treasurer. The duties of that office were distributed, but when we came to the county we found a better arrangement. There we found a treasurer. In the State, the office is of great importance. Large sums of money are intrusted to the treasurer, and he is consequently required to give a large bond, \$500,000, and the governor may require more.

The treasurer can neither receive nor pay out money except on the order of the auditor. Whenever he pays

an order, he must cancel it. To see how this is done, if your father keeps a bank account ask to look at his canceled checks. He must settle with the auditor once a month and make a biennial report to the governor. His salary is \$3500 a year.

The duties of the superintendent of public instruction will be mentioned under the public school system.

The attorney-general is the attorney of the State. As any attorney, he will be called upon both to consult and give advice, and also to appear in court. As a lawyer in court, he will represent his clients, the people, before the supreme court of the State; he will also appear for the officers of the State in any court of this State or of the United States whenever suit is brought against them in their official capacity. He will advise with the governor or other State officers upon questions relating to the proper discharge of their official duties, and will give his opinion upon legal questions at the request of the Legislature. He must also see to it that the funds appropriated for the public institutions of the State are so used.

He gives a bond for \$5000 and receives a salary of \$3500 a year.

These are the officers that are elected in the executive department of our State government. Yet these are not all the executive officers. As our social life becomes more complex, it is necessary to have other officers to perform duties that were not necessary in the earlier days. As we found in our town and county government that officers combined in boards played an important part, so we may expect to find boards in our State government, composed either of officers elected

by the people, or appointed by the people through some one to whom the power has been given.

There are the following boards :—

- I. State Board of Agriculture.
- II. State Board of Canal Commissioners.
- III. State Board of Charities.
- IV. State Board of Claims.
- V. State Board of Dental Examiners.
- VI. State Board of Equalization.
- VII. State Board of Fish Commissioners.
- VIII. State Board of Health.
- IX. State Board of Horticulture.
- X. State Board of Inspectors of Coal Mines.
- XI. State Bureau of Labor Statistics.
- XII. State Board of Live Stock Commissioners.
- XIII. State Board of Pharmacy.
- XIV. State Board of Railway and Warehouse Commissioners.
- XV. State Board of Returns of Elections.

Of these boards I., VI., and IX., are elected : I., by the delegates of the agricultural societies of the counties ; VI., by the people at a general election ; IX., by the three horticultural societies of the State. All the rest, excepting V., X., and XV., are nominated by the governor and confirmed by the Senate. V. and X. are nominated by the governor, but are not confirmed by the Senate.

We will very briefly speak of each board.

I. Consists of one member from each of the congressional districts of the State. It has charge of the State department of agriculture.

II. Is a board of three members. They have control of the Illinois and Michigan Canal and the locks and dams on the Illinois and Little Wabash rivers. Term two years. Pay \$5 a day for time employed.

III. Is a board of five. Some, or all of them, must visit all of the charitable and penal institutions of the State at least twice a year, and report to the governor. Term five years. Allowed only traveling expenses.

IV. Consists of three members, who adjust claims against the State. Term four years. Pay \$15 a day for time employed.

V. Consists of five members, who grant licenses to practice dentistry. Term five years. Pay \$5 per day and expenses.

VI. Is the same in principal as the town and county boards of equalization. It is composed of one member from each congressional district and the State auditor. The board meets once a year at Springfield on the second Tuesday in August. The work of this board is often very important. Term four years. Pay \$5 per day and mileage.

VII. Consists of three members. They care for the food fishes of the State. Term three years. They receive \$300 for expenses.

VIII. Is a board of seven members. They are to prevent the spread of contagious diseases. They also license to practice medicine. Receive only expenses. Term seven years.

IX. Already referred to, has control of certain funds given by the State to encourage horticulture.

X. Is a board of five. They are to see that suitable precautions are taken for the safety and health of miners. Pay \$1800 a year each. Term one year.

XI. Is a board of five members. They collect statistics relating to the interests of the laboring classes. Pay \$5 a day and expenses, for thirty days.

XII. Care for the livestock interests of the State. They may kill diseased cattle and establish quarantine. The board consists of three members. Term three years. They receive their expenses.

XIII. Consists of five members. They issue licenses to practice pharmacy. Term five years. Pay \$5 per day and expenses.

XIV. Consists of three members. They see that the railways and public warehouses are managed according to law. Each receives a salary of \$3500 a year.

XV. Consists of the secretary of State, the auditor, the treasurer, and attorney-general. These, or any two of them, in the presence of the governor, and within twenty days after any general election, canvass the returns for representatives in Congress, judges and clerk of supreme court, judges of circuit court, members of Assembly, and members of State board of equalization, and declare the results.

The governor also appoints, and the Senate confirms, the various boards that have charge of the charitable institutions of the State. Besides the boards enumerated, there are various officers appointed by the governor with the consent of the Senate. Among these are the following: a State superintendent of savings banks, a State entomologist who collects and disseminates information concerning insects injurious to the agricultural interests of the State, notaries public, nineteen justices of the peace for the city of Chicago; also the adjutant-general, next to the governor, the highest officer in the State militia. (See article 12 of constitution.)

III.

THE JUDICIAL DEPARTMENT.

There remains but one division of our State government to be described, —the judicial. In our smallest unit, we found law ; in the second unit, this power was more evident ; in our highest unit, we shall expect to find it most highly developed.

The judicial department of Illinois consists of three courts, with their necessary officers. Lowest in rank is the circuit court ; second, is the appellate ; third, is the supreme.

The Circuit Court.

The State is divided into fourteen divisions called circuits. They are as follows :—

First Circuit — The counties of Franklin, Saline, Williamson, Jackson, Union, Johnson, Pope, Hardin, Massac, Pulaski, and Alexander.

Second Circuit — The counties of Cumberland, Effingham, Clay, Jasper, Richland, Lawrence, Crawford, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, and Gallatin.

Third Circuit — The counties of Bond, Madison, St. Clair, Marion, Clinton, Washington, Randolph, Monroe, and Perry.

Fourth Circuit — The counties of Vermilion, Edgar, Clark, Coles, Douglas, Champaign, Piatt, Moultrie, and Macon.

Fifth Circuit — The counties of Sangamon, Macoupin, Christian, Montgomery, Fayette, and Shelby.

Sixth Circuit — The counties of Hancock, Adams, Fulton, McDonough, Schuyler, Brown, and Pike.

Seventh Circuit — The counties of De Witt, Logan, Menard, Mason, Cass, Morgan, Scott, Greene, Jersey, and Calhoun.

Eighth Circuit — The counties of Putnam, Marshall, Woodford, Tazewell, Peoria, and Stark.

Ninth Circuit — The counties of Bureau, La Salle, Will, and Grundy.

Tenth Circuit — The counties of Rock Island, Mercer, Henry, Henderson, Warren, and Knox.

Eleventh Circuit — The counties of McLean, Ford, Kankakee, Iroquois, and Livingston.

Twelfth Circuit — The counties of Boone, De Kalb, McHenry, Lake, Kane, Du Page, and Kendall.

Thirteenth Circuit — The counties of Jo Daviess, Stephenson, Winnebago, Carroll, Whiteside, Ogle, and Lee.

Cook County constitutes another circuit.

Each of these circuits elects three judges once in six years. Two of these go from county to county holding court. At least two terms must be held each year in each county. At these terms, the sheriff of the county must be present to assist in holding the court; also the circuit clerk, and the grand and petit juries. These juries require a word of explanation. A grand jury consists of twenty-three men selected by the county board. They investigate all criminal charges brought against any one, and if they think that the evidence

justifies a trial, they make a statement to that effect to the court. This is called an indictment, and the person so accused is then brought to trial before a petit jury. The petit jury is drawn by the circuit clerk from lists furnished by the county board. Jury trial has always been considered as one of the great safeguards of our liberties. How is this so? Have there been countries where it was not allowed? It will be interesting to trace jury trial among English speaking people.

The circuit court has two jurisdictions, first, original, in criminal and in civil cases; second, appellate in all cases appealed from the county courts or from justices of the peace. The salary of the circuit judges is \$3500. How is the salary of the circuit clerk determined?

Appellate Court.

You noticed that while three judges were elected for each of the circuits, only two were engaged in the duty of holding the sessions of court in the different counties. The third judge is a member of the appellate court. There are four such courts in the State, each one having jurisdiction over certain counties, together called a district. These districts are as follows:—

First — Cook County.

Second — Counties of Boone, Bureau, Carroll, De Kalb, Du Page, Grundy, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lee, Livingston, Marshall, McHenry, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will, Winnebago, and Woodford.

Third — Counties of Adams, Brown, Cass, Calhoun, Champaign, Christian, Clark, Coles, Cumberland, De Witt, Douglas, Edgar, Ford, Fulton, Greene, Hancock, Jersey, Logan, Macon, Macoupin, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, and Vermilion.

Fourth — Counties of Alexander, Bond, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Madison, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson.

The supreme court of the State selects from the judges elected in the circuits three to act as judges of the appellate court.

It will be necessary to have a clerk, and one is elected from the district; there must be a sheriff, and so the sheriff of the county where the court meets performs that duty.

When it is stated that the judges themselves try all cases, doing without a jury, we see that our court is equipped for work. To this court may come nearly all classes of cases appealed from county and circuit courts, excepting criminal cases. They are appealed to the supreme court. That there may be some end to litigation when small sums are in dispute, it is provided that unless the sum in dispute be \$1000 or more, the case cannot be taken from the appellate to the supreme court. The judges are paid the same salary as those of the circuit court. The clerk is paid by fees.

The **supreme court** is the highest judicial authority in our State, and no one can appeal a case from it to the supreme court of the United States, unless it is a case in which a State law is alleged to be in conflict with the Constitution of the United States.

Our supreme court consists of seven judges, elected for a period of nine years. To elect these seven, the State is divided into seven election districts, each district electing one. You will find these districts given in the constitution. These seven judges elect one of their number chief justice.

This court has original jurisdiction in matters pertaining to the revenues of the State. You have already learned in what it has appellate jurisdiction. For purposes of holding court, the State is divided into three grand divisions and each of them elects a clerk; the sheriff of the county in which the court meets attends the sessions, so the court has a complete equipment of officers. The grand divisions are called southern, central, and northern, and correspond to the appellate court divisions as follows: southern grand division is fourth appellate; central grand is third appellate, and northern grand is first and second appellate. Once a year, at Mt. Vernon, Springfield, and Ottawa, the court holds a session. Each supreme court judge receives \$5000 a year. The clerks are paid by fees.

You have learned that all the judges of the State are elective. Do you think it would be better if they were appointed for life? Can you think of arguments on both sides?

CHAPTER V.

CITIES AND VILLAGES.

I.

CITIES : LEGISLATIVE DEPARTMENT.

WE have studied about the town, the county, and the State. In this study, the town was taken as the unit. But we must not think that there are no smaller divisions of our State. Smaller in area than the town are cities and villages.

Previous to the constitution of 1870, each city, on becoming such, secured a charter from the Assembly and was governed by its terms. By the constitution of 1870, you will find that this is impossible. (See article 4, paragraph 22.) Now when it is desired to form a city, the people organize by what is called the "general law," and divide the territory into divisions called wards. The people no longer have a purely democratic form of government as in the town, but representative government has taken its place. While the people are the real legislative department, they have delegated their power to a body of men called a city council. This is composed of a mayor and aldermen. The latter vary in number from six to forty-eight according to population.

The term of the council is two years. One alder-

man is elected from each ward each year. This election is on the third Tuesday of April, unless the limits of the city are the same as the town's. When this is the case, the election is on the regular day for town elections. The council meet at such times as it determines, and the meetings are open to all. The powers of the council are such as you would expect in a body of men making laws for the city. In general, we may say such powers as the people had who gave them their authority. The more important are to appropriate money, levy taxes, regulate licenses, and care for the streets.

II.

THE EXECUTIVE DEPARTMENT.

The mayor presides at the meetings of the council, but has no vote except in the case of a tie. He is charged, in general, with seeing that the laws of the city are executed. Belonging to the executive department of the city, and elected at the same time as the council, are a city clerk and a city treasurer. After what we have learned, it will not be necessary to enumerate here the special duties of these officers. The council may provide by a two-thirds vote for the election by the people, or for the appointment by the mayor with the consent of the council, of the following additional executive officers: assessor and collector, comptroller and superintendent of streets. If the city assessor and collector are not elected or appointed, who will collect the city taxes?

The comptroller exercises a general supervision over all the officers of the city who have the handling of money. He makes an estimate to the council once a year, of the amount of money required to defray the expenses of the city government during the ensuing year. The superintendent of streets has charge of the streets and sidewalks, and sees that they are kept in repair.

III.

THE JUDICIAL DEPARTMENT.

In all cities of 5000 population, there may be established a city court. This court has concurrent jurisdiction with the circuit court in all civil cases, and in all criminal, except treason and murder. A judge is elected for four years, and a clerk for the same time. The sheriff of the county, or his deputy, must attend the sessions of the court.

A city attorney is elected by the people once in two years. He is the lawyer of the city, and as such gives advice to the city government, prosecutes offenders, and conducts any lawsuits the city may undertake. By appointment or by election, the following additional officers may be included in the judicial department of the city: corporation counsel, police magistrates, marshals and policemen. The corporation counsel "is the chief official of the law department of the city." He is not needed in small cities. Police magistrates are elected for four years. They have the same jurisdiction as justices. The marshal is the chief of police, and with the police is responsible for public order.

Villages.

Some communities of the State are under village government. Three trustees are elected each year to serve two years. A president is elected each year to preside over the board of trustees, but without a vote except in case of a tie. A clerk is elected annually and the trustees may appoint a treasurer, one or more street commissioners, a constable, and any other necessary officers. The election is on the third Tuesday of April, unless the limits of the village and town are the same. In that case it occurs on the same day as the town meeting. The compensation of officers in city and village is fixed by the council and trustees respectively, whose own pay cannot exceed \$3 for each meeting.

CHAPTER VI.

OUR SCHOOL SYSTEM.

I.

THE SCHOOL FUND.

THE bill to enable the Territory of Illinois to become a State was passed April 18, 1818. In this bill were several provisions of great importance to the educational interests of the State. First, by the vigilance and energy of our delegate in Congress, Nathaniel Pope, it was embodied in the act that three per cent of the net proceeds of the sale of public lands in the proposed State should be devoted to purposes of education. Of this three per cent, one-sixth was to be bestowed on a college or university. It was provided in this act that two entire townships should be reserved for the use of a seminary of learning. It was also provided that section 16 in each township should be granted to the State "for the use of the inhabitants of such township for the use of schools." If these lands had been wisely handled, a princely revenue would have accrued to the State for its common school system. As it was, many of them were sold at very low prices, and yet in spite of mismanagement the school fund of the State is large. The seminary fund is about \$60,000. The three per cent fund is over \$600,000. The college

fund is over \$150,000. There is a further fund of nearly \$336,000, which is called the surplus revenue fund, and consists of money loaned by Congress to the several States, and which has never been asked for and probably never will be. More than this was given to the State, — it amounts to a gift, — but the above sum was made by the State a part of the school fund. All these funds are loaned to the State and interest is paid by the State at the rate of six per cent. The interest on the college and seminary funds is divided equally between the two normal schools; the interest on the remainder forms our permanent State school fund. How much is it?

In addition to this interest, the State raises and distributes each year throughout the State for education, \$1,000,000. Nor is this all. We must not lose sight of section 16. Most of these sections are sold, but estimating the value of what are not sold, the value of the township funds in the State is over \$10,500,000. The interest of these is used for school purposes.

With this brief statement of the school funds, we may glance at the organization of the school system.

The State superintendent of public instruction stands at the head of the system; next to him in rank, are the superintendents in each county; next, the trustees; lastly, the directors. We have seen that the township is the unit in school matters, but smaller than this is the unit called the district, of which the directors have charge.

II.

THE DISTRICT.

This unit is obtained by giving the trustees power to divide the township into suitable divisions called districts. Each of these smaller school units elects three directors. The term is three years, and one is elected each year on the third Saturday of April. It is necessary for the directors to give ten days' notice of such election. Where have we found notice of election necessary? Have we ever found it unnecessary? In this notice, the matters that will come before the meeting must be specified.

At the annual election the directors must present to the voters present, a report of the receipts and expenditures of the district during the year, and it is also a part of their duty to send a copy of this report to the treasurer within five days previous to the election. The directors meet within ten days after election and elect one of their number clerk, and one president. Remembering that the directors are the people represented by three, their powers are much as we should expect them to be. First, they may levy a tax not to exceed two per cent for school purposes and three per cent for building. This two per cent tax will be levied, if the directors find it to be necessary after knowing the district's share of the State and township funds. The sum that the directors need must be stated in proper form to the treasurer on or before the first Tuesday of August annually. They must maintain

school at least five months¹ in a year, and not more than nine, except by vote of the people.

If the teacher's schedules are found correct, the directors must certify to the fact and give the teacher an order on the treasurer for the sum due. These duties pertain to the directors as business men. In their next duty it is assumed that they are good judges of a teacher, for they appoint all teachers, fix their pay, and dismiss them for incompetency. They may make any rules or regulations they deem necessary for the good of the schools; they visit them when they think best. They direct what branches of study shall be taught and what text-books shall be used. However, they may not change text-books oftener than once in four years.

Although directors have such large powers in the district, you will notice that there is one power that they lack; they have no power to examine teachers as to their knowledge and skill in teaching. That duty belongs to the county superintendent.

III.

BOARDS OF EDUCATION.

If there are more than 2000 people in the district, a board of education is elected, consisting of six members and three additional members for every additional 10,000 inhabitants. Term three years. Cities, towns, and districts, containing not less than 1000 and not

¹ Twenty-two school days in a month.

more than 20,000 inhabitants, and which are now managing the schools under some special act, may also organize under the general law and elect a board of education. In cities of more than 100,000, the board consists of twenty-one members appointed by the mayor and confirmed by the council.

The powers of the boards of education and their manner of election correspond very closely with those of the directors; there are some additional powers conferred, and among them this: "Such board shall have power to examine and employ teachers." Please bear this in mind when we come to county superintendents.

IV.

THE TRUSTEES AND TREASURER.

Trustees are the school officers of the township, not of the town. This was explained while we were studying the town. When are they elected?

The term is three years, one being elected each year. The board organizes by electing one of their number president, and also electing some person not a trustee or director, treasurer. The treasurer, who is also clerk of the board, must give a sufficient bond. Two regular meetings are held, one on the first Monday of April, the other on the first Monday of October.

The trustees have power to divide the township into suitable school districts according to the wish of a majority of the inhabitants.

Their most important duty is a financial one. We

have noticed that the townships have a school fund. This is in the care of the trustees. The interest on this fund, together with the funds coming from the State, is divided among the several districts that have complied with the law in maintaining their schools. This distribution is made by the trustees on the basis of the number of persons in each district under twenty-one years of age. The sum thus apportioned is placed to the credit of each district on the books of the treasurer, and is paid out on the orders of the directors of such district. If there is a township high school the trustees have charge of it. They serve without pay.

The treasurer whom the trustees appoint cares for the school money of the township. From what sources does this come? Part of it is permanent. What was the source of the permanent principal?

The treasurer must keep this permanent fund at interest. Twice a year, at the regular meetings of the trustees, he must report the financial condition of the township and settle with the trustees; once a year he must make a complete report of the fiscal condition of each district and of the township. He must also make a report to the county superintendent each year. His term is two years; salary fixed by trustees.

V.

THE COUNTY SUPERINTENDENT.

The county superintendent is one of the most important officers in connection with our school system. Besides his business relations with school officers in the county, it is his especial duty to assist each teacher in all ways possible. We can see that great opportunities are in the way of each superintendent, and many such in our State have been of the greatest good to the cause of education.

His duties as an educator are these : As the head of the educational system of the county, he must hold examinations at least once in three months of persons desiring to teach. For this examination a fee of \$1 is charged. If the candidate is successful in passing the examination, he is granted a certificate for a certain length of time. The certificate permits directors to engage the services of the one holding it. If the superintendent renews this certificate, he charges a dollar.¹ This goes to support the county institute. This institute is held in each county at least five days in each year. They have been the means of greatly increasing the knowledge, skill, and efficiency of the

¹ The supreme court held in *Kunster v. Board of Education*, 134 Ill. 165, that the power granted to boards of education organized under the school law of 1872 to examine and employ teachers, renders it unnecessary for teachers employed by such boards to be examined by the county superintendent. A bill to change the law and to require the certificate of the county superintendent in all schools of this class was introduced into the last Assembly, but did not become a law.

teachers. The superintendent must visit each school in the county at least once in each year. If the county has less than one hundred schools, the county board may limit the number of days for which the superintendent shall be paid; if there are more than one hundred, he is paid for all his time. This is at the rate of \$4 a day for time spent, and an allowance of \$1 a day for expenses in visiting schools. In these visits by counsel and advice he assists the teachers. He has certain business duties: the bonds of the treasurers of the townships must be approved by him; thereupon he pays to them all funds in his hands belonging to the townships; he pays to the different townships their part of the State fund. He makes this apportionment on the basis of the number of persons under twenty-one years of age in each township. He reports to the county board and to the State superintendent. In addition to these duties, he must keep an account of all sums of money received or paid out. He receives as compensation, in addition to that mentioned, two per cent on all money passing through his hands. His bond is for \$12,000.

VI.

THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

As the head of the school system of the State, the superintendent is charged with a general oversight of educational matters. He is to consult and correspond with the county superintendents as to the proper performance of their duties. The law says that he is to be

their adviser and assistant. Also he is to consult with teachers of experience in regard to educational matters. In the performance of his duties he visits all parts of the State, and imparts enthusiasm and unity to the work of the teachers.

He reports biennially to the governor the condition of the schools. This report is published and distributed. His bond is for \$25,000; his salary, \$3500.

VII.

THE STATE EDUCATIONAL INSTITUTIONS.

Forming a part of the system of public instruction are the State university and the two normal schools. The University of Illinois, located at Urbana, Champaign County, was established in 1867. It aims to furnish a complete literary, scientific, technical, or agricultural education.

It has large equipments, and the facilities offered to the young men and women of the State are exceptionally good. Acting regent, T. J. Burrill. The faculty numbers thirty-eight. It is controlled by a board of twelve. Of these, nine are elected by a popular vote for a term of six years. In addition, the governor, the superintendent of public instruction, and the president of the State board of agriculture are members *ex officio*.

The Northern Normal University is located at Normal, McLean County. It was established in 1857. Its object, in common with the Southern Normal, is to fit teachers for service in the public schools of the State.

In this work it has done efficient service. President, J. W. Cook. The faculty numbers eighteen. It is controlled by a board of fifteen. Of these, fourteen are nominated by the governor and confirmed by the Senate; the State superintendent is a member *ex officio*.

The Southern Normal University is located at Carbondale, Jackson County. It was established in 1869. It has done a valuable work for this section of the State. President, John Hull. The faculty numbers sixteen. It is controlled by a board of six. Of these, five are nominated by the governor and confirmed by the Senate; the State superintendent is a member *ex officio*.

To provide for additional normal instruction, each county, or two or more together, may establish a county normal school for the purpose of fitting teachers for the common schools. If the county is under "township organization," the board of supervisors establish the school; if not, the county court. The management is in the hands of a county board of education of not less than five nor more than eight. The county superintendent is a member of this board *ex officio*, or the county judge if the county has not adopted "township organization." The other members are chosen for three years, either by the board of supervisors or the county court, according to the government of the county.

The framers of this law no doubt hoped that many such schools would be established. At the present time, however, only one is in operation. It is situated at Englewood, in Cook County. Francis W. Parker is principal.

CHAPTER VII.

THE STATE CHARITABLE, PENAL AND REFORMATORY INSTITUTIONS.

I.

CHARITABLE INSTITUTIONS.

ILLINOIS has great reason to be proud of her public charities. They are a glowing tribute to the philanthropy of her people. Nearly 6000 inmates find a home in these institutions. The State appropriates for their maintenance over \$1,000,000 a year. They are ten in number, and are under the supervision of the commissioners of public charities. They are the following : —

- I. Institution for the Blind.
- II. Institution for the Deaf and Dumb.
- III. Charitable Eye and Ear Infirmary.
- IV. Institution for Feeble-minded Children.
- V. Central Hospital for the Insane.
- VI. Eastern Hospital for the Insane.
- VII. Northern Hospital for the Insane.
- VIII. Southern Hospital for the Insane.
- IX. Soldiers' Orphans' Home.
- X. Soldiers' and Sailors' Home.

- I. Is located at Jacksonville, Morgan County.
- II. At the same place.
- III. Is located at Chicago.

- IV. Is located at Lincoln, Logan County.
- V. At Jacksonville, Morgan County.
- VI. Is located at Kankakee, Kankakee County.
- VII. Is located at Elgin, Kane County.
- VIII. Is located at Anna, Union County.
- IX. Is located at Normal, McLean County.
- X. Is located at Quincy, Adams County.

These ten institutions are controlled by boards of three persons nominated by the governor and confirmed by the Senate. The term is uniform at six years. No compensation is allowed, but they receive their necessary expenses.

II.

PENAL AND REFORMATORY INSTITUTIONS.

Of these, the State has three, — two penitentiaries and one reformatory. The largest penitentiary is at Joliet, Will County. It is managed by three commissioners. Once each month they meet at the penitentiary to inquire into all matters relating to its management. They elect a warden. Each commissioner receives \$1500 a year. Term six years. The other penitentiary is located at Chester, Randolph County. The management is similar to that at Joliet.

It will be interesting to consult the fourth amendment to the constitution with reference to the penitentiaries and the State reformatory.

What was formerly known as the Reform School, by act of the Assembly approved June 18, 1891, becomes

the Illinois State Reformatory. The inmates include two classes: first, those between the ages of ten and sixteen; second, those between sixteen and twenty-one. The managers are to adopt such rules as shall be most efficient in preventing the prisoners, when discharged, from returning to criminal courses, best secure their self-support and accomplish their reformation. The managers are five in number, and hold office for ten years. The commissioners of the penitentiaries and the managers of the reformatory are nominated by the governor, and confirmed by the Senate. They receive no salary, but are paid traveling expenses.

CHAPTER VIII.

THE ELECTION LAW.

As we have traced the political life of our State and the methods the people have put in practice to secure good government, we must have thought that if the privilege of voting was abused, the ends aimed at in our system of government would be largely lost. While the privilege of voting is justly held to be the greatest privilege of a citizen, it is true that to exercise that privilege unworthily is one of the greatest wrongs that a voter can inflict on the State. The evils of corruption in voting have become so great that a large number of our States have enacted what is generally known as the "Australian Ballot Law." June 22, 1891, such a law went into force in Illinois. All elections must be held under this law except for trustees of schools, school directors, members of boards of education, and officers of road districts.

The first provision of the law that we will notice is this: the ballots are printed at *public expense*. Can you suggest the reason for this? If the election is for a State officer, the expense is borne by the State; if for a county officer, by the county; and if for a city, town, or village officer, by such city, town, or village.

Persons are nominated according to a prescribed method, and the nominations must be made in the case of State officers thirty days previous to election; in county

officers the same; in other cases, fifteen days. When State officers are to be elected, the nominations are certified by the secretary of State to the county clerks; in case of county officers and city and town officers, the nominations are sent directly to the several clerks by those making the nominations.

These nominations are printed on one ballot and in the following form : —

<input type="radio"/> <i>DEMOCRATIC.</i>	<input type="radio"/> <i>REPUBLICAN.</i>	<input type="radio"/> <i>PROHIBITION.</i>
For Governor.	For Governor.	For Governor.
<input type="checkbox"/> JOHN M. PALMER.	<input type="checkbox"/> JOSEPH W. FIFER.	<input type="checkbox"/> DAVID H. HARTS.
For Lieutenant-Governor.	For Lieutenant-Governor.	For Lieutenant-Governor.
<input type="checkbox"/> ANDREW J. BELL.	<input type="checkbox"/> LYMAN B. RAY.	<input type="checkbox"/> JOS. L. WHITLOCK.
For Secretary of State.	For Secretary of State.	For Secretary of State.
<input type="checkbox"/> NEWELL D. RICKS.	<input type="checkbox"/> I. N. PEARSON.	<input type="checkbox"/> JAMES R. HANNA.

At each voting place booths are prepared at public expense. These are furnished with shelves at a convenient height for writing, and on the shelves are ink, pens, and pencils. When any one desires to vote, he gives his name to the judges of election, and it is announced "in a loud and distinct tone of voice." If the name is on the registration list, one of the judges gives the voter a ballot, one only, and on the back the judge indorses his own initials. Then the voter passes within the booth. The door or curtain in front of the booth screens him from observation. Here he makes a mark thus (x) on the ballot, in the inclosed space at the left of the party name, if he desires to vote the whole party

ticket; and if he so desires to vote, no further mark is necessary. If he places a cross opposite a party name, he may still vote for others of some other party group by placing a cross opposite such names, and in that case his vote will be counted for the candidates of the party designated, excepting those separate candidates before whose name he has placed a cross. If a voter does not desire to vote for any candidates on the ballot, he may write in on a blank space the person for whom he votes, and place a cross before each name written in. If one ballot is spoiled, the voter may obtain another.

A voter who cannot read is assisted by the judges to prepare his ballot. After marking his ballot, the voter folds it so as to conceal the marks and hands it to the proper officer. The officer must not place any mark on the back of the ballot by means of which it can be ascertained how the person voted. What is the reason for this provision? The voter then passes out and another takes his place. An important provision of the law is that no one shall be allowed to solicit or electioneer within one hundred feet of the polls. What evil is this meant to remedy? It will be noticed that no one can carry a ballot away with him.

Considering the law as a whole, what ends does it aim to secure?

For convenience, although the State is so soon to be redistricted, the congressional districts are here given. The present National House of Representatives consists of three hundred and twenty-five members, and the ratio adopted for each representative is 151,911.

According to this ratio, Illinois has twenty Congressmen, elected from the districts following :—

First — The first, second, third, and fourth wards in Chicago, and the towns Riverside, Hyde Park, Lake, Lyons, Calumet, Worth, Palos, Lemont, Thornton, Bremen, Orland, Bloom, in the county of Cook.

Second — The fifth, sixth, and seventh wards of Chicago, and that part of the eighth ward which lies south of the center of Polk street and of MacAllister place.

Third — The ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth wards of Chicago, and that part of the eighth ward which lies north of the center of Polk street and of MacAllister place.

Fourth — The fifteenth, sixteenth, seventeenth, and eighteenth wards of Chicago, and the towns of Lake View, Jefferson, Leyden, Norwood Park, Evanston, Niles, Maine, Elk Grove, Schaumburg, Hanover, New Trier, Northfield, Wheeling, Palatine, Barrington, Cicero, and Proviso, in the county of Cook.

Fifth — Lake, McHenry, Boone, De Kalb, and Kane counties.

Sixth — Winnebago, Stephenson, Jo Daviess, Ogle, and Carroll counties.

Seventh — Lee, Whiteside, Henry, Bureau, and Putnam.

Eighth — La Salle, Kendall, Grundy, Will, and Du Page.

Ninth — Kankakee, Iroquois, Ford, Livingston, Woodford, and Marshall.

Tenth — Peoria, Knox, Stark, and Fulton.

Eleventh — Rock Island, Mercer, Henderson, Warren, Hancock, McDonough, and Schuyler.

Twelfth — Cass, Brown, Adams, Pike, Scott, Greene, Jersey, and Calhoun.

Thirteenth — Tazewell, Mason, Menard, Sangamon, Morgan, and Christian.

Fourteenth — McLean, De Witt, Piatt, Macon, and Logan.

Fifteenth — Coles, Edgar, Douglas, Vermilion, and Champaign.

Sixteenth — Cumberland, Clark, Jasper, Crawford, Clay, Richland, Lawrence, Wayne, Edwards, and Wabash.

Seventeenth — Macoupin, Montgomery, Shelby, Moultrie, Effingham, and Fayette.

Eighteenth — Bond, Madison, St. Clair, Monroe, and Washington.

Nineteenth — Marion, Clinton, Jefferson, Franklin, Hamilton, White, Saline, Gallatin, and Hardin.

Twentieth — Perry, Randolph, Jackson, Williamson, Union, Johnson, Pope, Alexander, Pulaski, and Massac.

CONSTITUTION

OF THE

STATE OF ILLINOIS.

ADOPTED IN CONVENTION AT SPRINGFIELD, MAY 13TH, A.D. 1870.

[Ratified by the People, July 2, 1870; in force, August 8, 1870;
amended in 1878, 1880, 1884, 1886, and 1890.]

PREAMBLE.

WE, the people of the State of Illinois — grateful to Almighty God for the civil, political, and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations — in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the State of Illinois.

ARTICLE I.

BOUNDARIES.

The boundaries and jurisdiction of the State shall be as follows, to-wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana to the northwest corner of said State; thence east, with the line of the same State, to the

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middle of Lake Michigan; thence north along the middle of said lake to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river, and thence down along the middle of that river to its confluence with the Ohio river, and thence up the latter river along its northwestern shore to the place of beginning: *Provided*, that this State shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as may hereafter be agreed upon by this State and the State of Kentucky.

ARTICLE II.

BILL OF RIGHTS.

- | | |
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| § 1. Inherent and Inalienable Rights. | § 11. Penalties no Corruption of Blood or Forfeiture of Estate. |
| § 2. Due Process of Law. | § 12. Imprisonment for Debt. |
| § 3. Liberty of Conscience Guaranteed. | § 13. Compensation for Property Taken. |
| § 4. Freedom of Speech — Libel. | § 14. Ex Post Facto Laws — Contracts — Irrevocable Grants. |
| § 5. Right of Trial by Jury. | § 15. Military Subordinate to Civil Power. |
| § 6. Unreasonable Searches and Seizures. | § 16. Quartering of Soldiers. |
| § 7. Bail Allowed — Writ of Habeas Corpus. | § 17. Right of Assembly and Petition. |
| § 8. Indictment Required — Grand Jury. | § 18. Elections to be Free and Equal. |
| § 9. Rights of Persons Accused of Crime. | § 19. Protection of the Law. |
| § 10. Self-Crimination — Acquittal. | § 20. Fundamental Principles. |

§ 1. All men are by nature free and independent, and have certain inherent and inalienable rights — among these are life, liberty, and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

§ 2. No person shall be deprived of life, liberty, or property without due process of law.

§ 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship

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against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

§ 4. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

§ 5. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law.

§ 6. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.

§ 7. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

§ 8. No person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases.

§ 9. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

§ 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

CONSTITUTION OF ILLINOIS.

§ 11. All penalties shall be proportioned to the nature of the offense; and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the State for any offense committed within the same.

§ 12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

§ 13. Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

§ 14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities, shall be passed.

§ 15. The military shall be in strict subordination to the civil power.

§ 16. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

§ 17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

§ 18. All elections shall be free and equal.

§ 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property, or reputation; he ought to obtain, by law, right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay.

§ 20. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

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ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the government of this State are divided into three distinct departments — the Legislative, Executive, and Judicial; and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

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|---|---|
| § 1. General Assembly. | § 17. Payment of Money — Statement of Expenses. |
| § 2. Elections — Vacancies. | § 18. Ordinary Expenses — Casual Deficits — Appropriations Limited. |
| § 3. Who are Eligible. | § 19. Extra Compensation or Allowance. |
| § 4. Disqualification by Crime. | § 20. Public Credit not Loaned. |
| § 5. Oath of Officers. | § 21. Pay and Mileage of Members. |
| § 6. Senatorial Apportionment. | § 22. Special Legislation Prohibited. |
| §§ 7 and 8. Representatives — (Inoperative). | § 23. Against Release from Liability. |
| § 7 and 8. Minority Representation. | § 24. Proceedings on Impeachment. |
| § 9. Time of Meeting — General Rules. | § 25. Fuel, Stationery, and Printing. |
| § 10. Open Sessions — Adjournments — Journals — Protests. | § 26. State not to be Sued. |
| § 11. Style of Laws. | § 27. Lotteries and Gift Enterprises. |
| § 12. Origin and Passage of Bills. | § 28. Terms of Office not Extended. |
| § 13. Reading—Printing—Title—Amendments. | § 29. Protection of Minors. |
| § 14. Privileges of Members. | § 30. Concerning Roads — Public and Private. |
| § 15. Disabilities of Members. | § 31. Draining and Ditching. |
| § 16. Appropriations. | § 32. Homestead and Exemption Laws. |
| | § 33. Completion of the State House. |

§ 1. The legislative power shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

ELECTION.

§ 2. An election for members of the general assembly shall be held on the Tuesday next after the first Monday in November, in

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the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the governor, or person exercising the powers of governor, shall issue writs of election to fill such vacancies.

ELIGIBILITY AND OATH.

§ 3. No person shall be a senator who shall not have attained the age of twenty-five years, or a representative who shall not have attained the age of twenty-one years. No person shall be a senator or a representative who shall not be a citizen of the United States and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder, sheriff, or collector of public revenue, members of either house of congress, or person holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the general assembly: *Provided*, that appointments in the militia, and the offices of notary public and justice of the peace, shall not be considered lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States (except postmasters whose annual compensation does not exceed the sum of three hundred dollars), hold any office of honor or profit under the authority of this State.

§ 4. No person who has been, or hereafter shall be convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the general assembly, or to any office of profit or trust in this State.

§ 5. Members of the general assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Illinois, and will faithfully discharge the duties of senator (or representative) according to the best of my

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ability; and that I have not knowingly or intentionally paid or contributed anything; or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company, or person for any vote or influence I may give or withhold on any bill, resolution, or appropriation, or for any other official act."

This oath shall be administered by a judge of the supreme or circuit court in the hall of the house to which the member is elected, and the secretary of state shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to, or of violating, his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.

APPORTIONMENT — SENATORIAL.

§ 6. The general assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years; and vacancies occurring by the expiration of term shall be filled by the election of senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as near as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths may be divided into separate districts, and shall be entitled to two senators, and to one additional senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

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REPRESENTATIVES.

Inoperative by reason of minority representation.

§ 7. The population of the State, as ascertained by the federal census, shall be divided by the number one hundred and fifty-three, and the quotient shall be the ratio of representation in the house of representatives. Every county or district shall be entitled to one representative, when its population is three-fifths of the ratio; if any county has less than three-fifths of the ratio, it shall be attached to the adjoining county having the least population, to which no other county has, for the same reason, been attached, and the two shall constitute a separate district. Every county or district having a population not less than the ratio and three-fifths, shall be entitled to two representatives, and for each additional number of inhabitants, equal to the ratio, one representative. Counties having over two hundred thousand inhabitants, may be divided into districts, each entitled to not less than three nor more than five representatives. After the year one thousand eight hundred and eighty, the whole population shall be divided by the number one hundred and fifty-nine, and the quotient shall be the ratio of representation in the house of representatives for the ensuing ten years, and six additional representatives shall be added for every five hundred thousand increase of population at each decennial census thereafter, and be apportioned in the same manner as above provided.

§ 8. When a county or district shall have a fraction of population above what shall entitle it to one representative, or more, according to the provisions of the foregoing section, amounting to one-fifth of the ratio, it shall be entitled to one additional representative in the fifth term of each decennial period; when such fraction is two-fifths of the ratio, it shall be entitled to an additional representative in the fourth and fifth terms of said period; when the fraction is three-fifths of the ratio, it shall be entitled to an additional representative in the first, second, and third terms, respectively; when a fraction is four-fifths of the ratio, it shall be entitled to an additional representative in the first, second, third, and fourth terms, respectively.

NOTE. — By the adoption of minority representation, §§ 7 and 8 of this article, above set forth, cease to be a part of the constitution. Under § 12 of the schedule, and the vote of adoption, the following section relating to minority representation is substituted for said sections:

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MINORITY REPRESENTATION.

§§ 7 and 8. The house of representatives shall consist of three times the number of the members of the senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected.

TIME OF MEETING AND GENERAL RULES.

§ 9. The sessions of the general assembly shall commence at twelve o'clock noon, on the Wednesday next after the first Monday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this constitution. A majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election, returns, and qualifications of its members; shall choose its own officers; and the senate shall choose a temporary president to preside when the lieutenant governor shall not attend as president, or shall act as governor. The secretary of state shall call the house of representatives to order at the opening of each new assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offense. Each house may punish by imprisonment any person not a member who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. But no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

§ 10. The door of each house and of committees of the whole shall be kept open, except in such cases as, in the opinion of the

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house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses shall be sitting. Each house shall keep a journal of its proceedings, which shall be published. In the senate, at the request of two members, and in the house, at the request of five members, the yeas and nays shall be taken on any question, and entered upon the journal. Any two members of either house shall have liberty to dissent from and protest, in respectful language, against any act or resolution which they think injurious to the public or to any individual, and have the reasons of their dissent entered upon the journals.

STYLE OF LAWS AND PASSAGE OF BILLS.

§ 11. The style of the laws of this State shall be: "*Be it enacted by the People of the State of Illinois, represented in the General Assembly.*"

§ 12. Bills may originate in either house, but may be altered, amended, or rejected by the other; and on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house.

§ 13. Every bill shall be read at large on three different days, in each house; and the bill and all amendments thereto shall be printed before the vote is taken on its final passage; and every bill, having passed both houses, shall be signed by the speakers thereof. No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed; and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act. And no act of the general assembly shall take effect until the first day of July next after its passage, unless, in case of emergency (which emergency shall be expressed in the preamble or body of the act), the general assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

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PRIVILEGES AND DISABILITIES.

§ 14. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

§ 15. No person elected to the general assembly shall receive any civil appointment within this State from the governor, the governor and senate, or from the general assembly, during the term for which he shall have been elected; and all such appointments, and all votes, given for any such members for any such office or appointment, shall be void; nor shall any member of the general assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

PUBLIC MONEY AND APPROPRIATIONS.

§ 16. The general assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the general assembly and for the salaries of the officers of the government shall contain no provision on any other subject.

§ 17. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the auditor thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall, within sixty days after the adjournment of each session of the general assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

§ 18. Each general assembly shall provide for all the appropriations necessary, or the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the

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members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter: *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars; and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war (for payment of which the faith of the State shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people and have received a majority of the votes cast for members of the general assembly at such election. The general assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrevocable until such debt be paid: *And provided, further*, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

§ 19. The general assembly shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the State under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void: *Provided*, the general assembly may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

§ 20. The State shall never pay, assume, or become responsible for the debts or liabilities of, or in any manner give, loan, or extend its credit to, or in aid of, any public or other corporation, association, or individual.

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PAY OF MEMBERS.

§ 21. The members of the general assembly shall receive for their services the sum of five dollars per day, during the first session held under this constitution, and ten cents for each mile necessarily traveled in going to and returning from the seat of government, to be computed by the auditor of public accounts; and thereafter such compensation as shall be prescribed by law, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of fifty dollars per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidental expenses and perquisites; but no change shall be made in the compensation of the general assembly during the term for which they may have been elected. The pay and mileage allowed to each member of the general assembly shall be certified by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

SPECIAL LEGISLATION PROHIBITED.

§ 22. The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say, for —

- Granting divorces;
- Changing the names of persons or places;
- Laying out, opening, altering, and working roads or highways;
- Vacating roads, town plats, streets, alleys, and public grounds;
- Locating or changing county seats;
- Regulating county and township affairs;
- Regulating the practice in courts of justice;
- Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables;
- Providing for changes of venue in civil and criminal cases;
- Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village;
- Providing for the election of members of the board of supervisors in townships, incorporated towns, or cities;
- Summoning and impaneling grand or petit juries;
- Providing for the management of common schools;
- Regulating the rate of interest on money;

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The opening and conducting of any election, or designating the place of voting ;

The sale or mortgage of real estate belonging to minors or others under disability ;

The protection of game or fish ;

Chartering or licensing ferries or toll bridges ;

Remitting fines, penalties, or forfeitures ;

Creating, increasing, or decreasing fees, percentage, or allowances of public officers, during the term for which said officers are elected or appointed ;

Changing the law of descent ;

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purposes.

Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever ;

In all other cases where a general law can be made applicable, no special law shall be enacted.

§ 23. The general assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State or to any municipal corporation therein.

IMPEACHMENT.

§ 24. The house of representatives shall have the sole power of impeachment ; but a majority of all the members elected must concur therein. All impeachments shall be tried by the senate ; and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor of the State is tried, the chief justice shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected. But judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, profit, or trust under the government of this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

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MISCELLANEOUS.

§ 25. The general assembly shall provide, by law, that the fuel, stationery, and printing paper furnished for the use of the State; the copying, printing, binding, and distributing the laws and journals, and all other printing ordered by the general assembly, shall be let by contract to the lowest responsible bidder; but the general assembly shall fix a maximum price; and no member thereof, or other officer of the State, shall be interested, directly or indirectly, in such contract. But all such contracts shall be subject to the approval of the governor, and if he disapproves the same, there shall be a re-letting of the contract, in such manner as shall be prescribed by law.

§ 26. The State of Illinois shall never be made defendant in any court of law or equity.

§ 27. The general assembly shall have no power to authorize lotteries or gift enterprises, for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

§ 28. No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

§ 29. It shall be the duty of the general assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, when the same may be required, and the construction of escapement shafts, or such other appliances as may secure safety in all coal mines, and to provide for the enforcement of said laws by such penalties and punishment as may be deemed proper.

§ 30. The general assembly may provide for establishing and opening roads and cartways, connected with a public road, for private and public use.

§ 31. The general assembly may pass laws permitting the owners of land to construct drains, ditches, and levees for agricultural, sanitary, or mining purposes, across the lands of others, and provide for the organization of drainage districts, and vest the corporate authorities thereof with power to construct and maintain levees, drains, and ditches, and to keep in repair all drains, ditches, and levees heretofore constructed under the laws of this State, by special assessments upon the property benefited thereby.

As amended in 1878.

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§ 32. The general assembly shall pass liberal homestead and exemption laws.

§ 33. The general assembly shall not appropriate out of the State treasury, or expend on account of the new capitol grounds, and construction, completion, and furnishing of the State house, a sum exceeding in the aggregate three and a half millions of dollars, inclusive of all appropriations heretofore made, without first submitting the proposition for an additional expenditure to the legal voters of the State at a general election; nor unless a majority of all the votes cast at such election shall be for the proposed additional expenditure.

ARTICLE V.

EXECUTIVE DEPARTMENT

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| § 1. Officers — Terms. | § 13. Reprieves — Commutations — Pardons. |
| § 2. State Treasurer. | § 14. Governor as Commander-in-Chief. |
| § 3. Time of Electing State Officers. | § 15. Impeachment of Officers. |
| § 4. Returns — Tie — Contested Election. | § 16. Veto Power. |
| § 5. Eligibility for Office. | § 17. Lieutenant Governor. |
| § 6. Governor — Powers and Duty. | § 18. President of the Senate. |
| § 7. His Message and Statement. | § 19. Vacancy in Governor's Office. |
| § 8. Convening the General Assembly. | § 20. Vacancy in other State Offices. |
| § 9. Proroguing the General Assembly. | § 21. Reports of State Officers. |
| § 10. Nominations by the Governor. | § 22. Great Seal of Illinois. |
| § 11. Vacancies may be Filled. | § 23. Fees and Salaries. |
| § 12. Removals by the Governor. | § 24. Definition of "Office." |
| | § 25. Oath of Civil Officers. |

§ 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, and attorney general, who shall each, with the exception of the treasurer, hold his office for the term of four years from the second Monday of January next after his election and until his successor is elected and qualified. They shall, except the lieutenant governor, reside at the seat of government during their term of office, and keep the public records, books, and papers there, and shall perform such duties as may be prescribed by law.

§ 2. The treasurer shall hold his office for the term of two years, and until his successor is elected and qualified; and shall be ineli-

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gible to said office for two years next after the end of the term for which he was elected. He may be required by the governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

ELECTION.

§ 3. An election for governor, lieutenant governor, secretary of state, auditor of public accounts, and attorney general shall be held on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter; for superintendent of public instruction, on the Tuesday next after the first Monday of November in the year one thousand eight hundred and seventy, and every four years thereafter; and for treasurer on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

§ 4. The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the secretary of state directed to the "Speaker of the House of Representatives," who shall, immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the general assembly, who shall, for that purpose, assemble in the hall of the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal, and the highest number of votes, the general assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices, shall be determined by both houses of the general assembly, by joint ballot, in such manner as may be prescribed by law.

ELIGIBILITY.

§ 5. No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of thirty years, and been, for five years next preceding his election, a citizen of the United States and of this State. Neither the governor, lieutenant governor, auditor of public accounts, secretary of state,

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superintendent of public instruction, nor attorney general shall be eligible to any other office during the period for which he shall have been elected.

GOVERNOR.

§ 6. The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

§ 7. The governor shall, at the commencement of each session, and at the close of his term of office, give to the general assembly information, by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the general assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

§ 8. The governor may, on extraordinary occasions, convene the general assembly, by proclamation, stating therein the purpose for which they are convened, and the general assembly shall enter upon no business except that for which they were called together.

§ 9. In case of a disagreement between the two houses with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the general assembly to such time as he thinks proper, not beyond the first day of the next regular session.

§ 10. The governor shall nominate, and by and with the advice and consent of the senate (a majority of all the senators elected concurring by yeas and nays), appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the general assembly.

§ 11. In case of a vacancy, during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated who is confirmed by the senate (a majority of all the senators elected concurring by yeas and nays), shall hold his office

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during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the senate, shall be again nominated for the same office at the same session, unless at the request of the senate, or be appointed to the same office during the recess of the general assembly.

§ 12. The governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant and fill the same as is herein provided in other cases of vacancy.

§ 13. The governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses, subject to such regulations as may be provided by law relative to the manner of applying therefor.

§ 14. The governor shall be commander-in-chief of the military and naval forces of the State (except when they shall be called into the service of the United States), and may call out the same to execute the laws, suppress insurrection, and repel invasion.

§ 15. The governor and all civil officers of the State shall be liable to impeachment for any misdemeanor in office.

VETO.

§ 16. Every bill passed by the general assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the governor; but in all such cases the vote of each house shall be determined by yeas and nays, to be entered upon the journal. Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections. And if the governor shall not

As amended in 1884.

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As amended in 1884.

approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law, as to the residue, in like manner as if he had signed it. The governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the governor. The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the governor with his objections; and if any item or section of said bill not approved by the governor shall be passed by two-thirds of the members elected to each of the two houses of the general assembly, it shall become part of said law, notwithstanding the objections of the governor. Any bill which shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the general assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the secretary of state, within ten days after such adjournment, or become a law.

LIEUTENANT GOVERNOR.

§ 17. In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the governor, the powers, duties, and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant governor.

§ 18. The lieutenant governor shall be president of the senate, and shall vote only when the senate is equally divided. The senate shall choose a president, *pro tempore*, to preside in case of the absence or impeachment of the lieutenant governor, or when he shall hold the office of governor.

§ 19. If there be no lieutenant governor, or if the lieutenant governor shall, for any of the causes specified in section seventeen of this article, become incapable of performing the duties of the office, the president of the senate shall act as governor until the

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vacancy is filled or the disability removed; and if the president of the senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives.

OTHER STATE OFFICERS.

§ 20. If the office of auditor of public accounts, treasurer, secretary of state, attorney general, or superintendent of public instruction shall be vacated by death, resignation, or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. An account shall be kept by the officers of the executive department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the governor, under oath; and any officer who makes a false report shall be guilty of perjury, and punished accordingly.

§ 21. The officers of the executive department, and of all the public institutions of the State, shall, at least ten days preceding each regular session of the general assembly, severally report to the governor, who shall transmit such reports to the general assembly, together with the reports of the judges of the supreme court of defects in the constitution and laws; and the governor may at any time require information, in writing, under oath, from the officers of the executive department, and all officers and managers of State institutions, upon any subject relating to the condition, management, and expenses of their respective offices.

THE SEAL OF STATE.

§ 22. There shall be a seal of the State, which shall be called the "Great Seal of the State of Illinois," which shall be kept by the secretary of state, and used by him, officially, as directed by law.

FEES AND SALARIES.

§ 23. The officers named in this article shall receive for their services a salary, to be established by law, which shall not be in-

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creased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the constitution, shall be paid in advance into the State treasury.

DEFINITION AND OATH OF OFFICE.

§ 24. An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency, for a temporary purpose, which ceases when that purpose is accomplished.

§ 25. All civil officers, except members of the general assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation :

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of — according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification.

ARTICLE VI.

JUDICIAL DEPARTMENT.

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| § 1. Courts Established. | § 13. Judicial Circuits. |
| § 2. Supreme Court — Jurisdiction. | § 14. Time of holding Circuit Courts. |
| § 3. Qualifications of a Supreme Judge. | § 15. Judges — Increase. |
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| § 5. Grand Divisions — Districts. | § 17. Qualifications of Judges and County Commissioners. |
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| § 10. Clerks of the Supreme Court. | § 22. State's Attorney in Each County. |
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§ 24. Chief Justice — Power of Judges.
§ 25. Salaries of the Judges.
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§ 28. Justices in Chicago.

§ 29. Uniformity in the Courts.
§ 30. Removal of any Judge.
§ 31. Judges to Make Written Reports.
§ 32. Terms of Office — Filling Vacancies.
§ 33. Process—Prosecutions—Population.

§ 1. The judicial powers, except as in this article is otherwise provided, shall be vested in one supreme court, circuit courts, county courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

SUPREME COURT.

§ 2. The supreme court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue, in *mandamus* and *habeas corpus*, and appellate jurisdiction in all other cases. One of said judges shall be chief justice; four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.

§ 3. No person shall be eligible to the office of judge of the supreme court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the district in which he shall be elected.

§ 4. Terms of the supreme court shall continue to be held in the present grand divisions at the several places now provided for holding the same: and until otherwise provided by law, one or more terms of said court shall be held, for the northern division, in the city of Chicago each year, at such times as said court may appoint, whenever said city or the county of Cook shall provide appropriate rooms therefor, and the use of a suitable library, without expense to the State. The judicial divisions may be altered, increased, or diminished in number, and the times and places of holding said court may be changed by law.

§ 5. The present grand divisions shall be preserved, and be denominated Southern, Central, and Northern, until otherwise provided by law. The State shall be divided into seven districts for the election of judges, and until otherwise provided by law they shall be as follows:

First District. — The counties of St. Clair, Clinton, Washington,

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Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski, and Massac.

Second District. — The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun, and Christian.

Third District. — The counties of Sangamon, Macon, Logan, De Witt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie, and Tazewell.

Fourth District. — The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass, and Scott.

Fifth District. — The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, La Salle, Grundy, and Woodford.

Sixth District. — The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, De Kalb, Lee, Ogle, and Rock Island.

Seventh District. — The counties of Lake, Cook, Will, Kankakee, and Du Page.

The boundaries of the districts may be changed at the session of the general assembly next preceding the election for judges therein, and at no other time; but whenever such alterations shall be made the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

§ 6. At the time of voting on the adoption of this constitution, one judge of the supreme court shall be elected by the electors thereof, in each of said districts numbered two, three, six, and seven, who shall hold his office for the term of nine years from the first Monday of June, in the year of our Lord one thousand eight hundred and seventy. The term of office of judges of the supreme court, elected after the adoption of this constitution, shall be nine years; and on the first Monday of June of the year in which the term of any of the judges in office at the adoption of this constitu-

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tion, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges in the respective districts wherein the term of such judges shall expire. The chief justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number chief justice.

§ 7. From and after the adoption of this constitution, the judges of the supreme court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or diminished during the terms for which said judges shall have been elected.

§ 8. Appeals and writs of error may be taken to the supreme court held in the grand division in which the case is decided, or, by consent of the parties, to any other grand division.

§ 9. The supreme court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the court.

§ 10. At the time of the election of representatives in the general assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.

APPELLATE COURTS.

§ 11. After the year of our Lord one thousand eight hundred and seventy-four, inferior appellate courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the general assembly may provide, may be prosecuted from circuit and other courts, and from which appeals and writs of error shall lie to the supreme court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuit courts, and

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at such times and places, and in such manner as may be provided by law; but no judge shall sit in review upon cases decided by him; nor shall said judges receive any additional compensation for such services.

CIRCUIT COURTS.

§ 12. The circuit courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of judges of circuit courts shall be six years.

§ 13. The State, exclusive of the county of Cook and other counties having a population of one hundred thousand, shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the circuit courts. Such circuits shall be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory, and population, and shall not exceed in number one circuit for every one hundred thousand of population of the State. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the boundaries of circuits changed by the general assembly, at its session next preceding the election for circuit judges, but at no other time: *Provided*, that the circuits may be equalized or changed at the first session of the general assembly after the adoption of this constitution. The creation, alteration, or change of any circuit shall not affect the tenure of office of any judge. Whenever the business of the circuit court of any one, or of two or more contiguous counties, containing a population exceeding fifty thousand, shall occupy nine months of the year, the general assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.

§ 14. The general assembly shall provide for the times of holding court in each county: which shall not be changed, except by the general assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the circuit courts shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.

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§ 15. The general assembly may divide the State into judicial circuits of greater population and territory, in lieu of the circuits provided for in section thirteen of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the circuit courts in the circuit for which they shall be elected, in such manner as may be provided by law.

§ 16. From and after the adoption of this constitution, judges of the circuit courts shall receive a salary of three thousand dollars per annum, payable quarterly, until otherwise provided by law, and after their salaries shall be fixed by law they shall not be increased or diminished during the terms for which said judges shall be, respectively, elected; and from and after the adoption of this constitution, no judge of the supreme or circuit court shall receive any other compensation, perquisite, or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments.

§ 17. No person shall be eligible to the office of judge of the circuit or any inferior court, or to membership in the "board of county commissioners," unless he shall be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the circuit, county, city, cities, or incorporated town in which he shall be elected.

COUNTY COURTS.

§ 18. There shall be elected in and for each county one county judge and one clerk of the county court, whose terms of office shall be four years. But the general assembly may create districts of two or more contiguous counties, in each of which shall be elected one judge, who shall take the place of and exercise the powers and jurisdiction of county judges in such districts. County courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians and conservators and settlements of their accounts, in all matters relating to apprentices, and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

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§ 19. Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.

PROBATE COURTS.

§ 20. The general assembly may provide for the establishment of a probate court in each county having a population of over fifty thousand, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices, and in cases of sales of real estate of deceased persons for the payment of debts.

JUSTICES OF THE PEACE AND CONSTABLES.

§ 21. Justices of the peace, police magistrates, and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

STATE'S ATTORNEYS.

§ 22. At the election for members of the general assembly in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, there shall be elected a State's attorney in and for each county, in lieu of the State's attorneys now provided by law, whose terms of office shall be four years.

COURTS OF COOK COUNTY.

§ 23. The county of Cook shall be one judicial circuit. The circuit court of Cook county shall consist of five judges, until their number shall be increased as herein provided. The present judge of the recorder's court of the city of Chicago, and the present judge of the circuit court of Cook county, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The superior court of Chicago shall be continued, and called the

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“Superior Court of Cook County.” The general assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county over and above a population of four hundred thousand. The terms of office of the judges of said courts, hereafter elected, shall be six years.

§ 24. The judge having the shortest unexpired term shall be chief justice of the court of which he is a judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be chief justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a member. Each of them may hold a different branch thereof at the same time.

§ 25. The judges of the superior and circuit courts, and the State’s attorney, in said county, shall receive the same salaries, payable out of the State treasury, as is or may be paid from said treasury to the circuit judges and State’s attorneys of the State, and such further compensation, to be paid by the county of Cook, as is or may be provided by law. Such compensation shall not be changed during their continuance in office.

§ 26. The recorder’s court of the city of Chicago shall be continued, and shall be called the “Criminal Court of Cook County.” It shall have the jurisdiction of a circuit court in all cases of criminal and *quasi* criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county, in criminal and *quasi* criminal cases, shall be returnable and taken to said court. It shall have no jurisdiction in civil cases, except in those on behalf of the people, and incident to such criminal or *quasi* criminal matters, and to dispose of unfinished business. The terms of said criminal court of Cook county shall be held by one or more of the judges of the circuit or superior court of Cook county, as nearly as may be in alternation, as may be determined by said judges, or provided by law. Said judges shall be *ex-officio* judges of said court.

§ 27. The present clerk of the recorder’s court of the city of Chicago shall be the clerk of the criminal court of Cook county during the term for which he was elected. The present clerks of the superior court of Chicago, and the present clerk of the circuit court

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of Cook county, shall continue in office during the terms for which they were respectively elected ; and thereafter there shall be but one clerk of the superior court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.

§ 28. All justices of the peace in the city of Chicago shall be appointed by the governor, by and with the advice and consent of the senate (but only upon the recommendation of a majority of the judges of the circuit, superior and county courts), and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years, and until their successors have been commissioned and qualified, but they may be removed by summary proceeding in the circuit or superior court, for extortion or other malfeasance. Existing justices of the peace and police magistrates may hold their offices until the expiration of their respective terms.

GENERAL PROVISIONS.

§ 29. All judicial officers shall be commissioned by the governor. All laws relating to courts shall be general and of uniform operation ; and the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments, and decrees of such courts, severally, shall be uniform.

§ 30. The general assembly may, for cause entered on the journals, upon due notice and opportunity of defense, remove from office any judge, upon concurrence of three-fourths of all the members elected, of each house. All other officers in this article mentioned shall be removed from office on prosecution and final conviction for misdemeanor in office.

§ 31. All judges of courts of record, inferior to the supreme court, shall, on or before the first day of June of each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest ; and the judges of the supreme court shall, on or before the first day of January of each year, report in writing to the governor such defects and omissions in the constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and

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omissions in the laws. And the judges of the several circuit courts shall report to the next general assembly the number of days they have held court in the several counties composing their respective circuits, the preceding two years.

§ 32. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county, or district for which they may be elected or appointed. The terms of office of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is or may be provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year the vacancy shall be filled by appointment, as follows: Of judges, by the governor; of clerks of courts, by the court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the board of supervisors, or board of county commissioners, in the county where the vacancy occurs.

§ 33. All process shall run: *In the name of the People of the State of Illinois*; and all prosecutions shall be carried on: *In the name and by the authority of the People of the State of Illinois*; and conclude: *Against the peace and dignity of the same*. "Population," wherever used in this article, shall be determined by the next preceding census of this State, or of the United States.

ARTICLE VII.

SUFFRAGE.

- § 1. Qualification of Voters.
- § 2. All Voting to be by Ballot.
- § 3. Privileges of Electors.
- § 4. Voting Residence.

- § 5. Soldier in U. S. Army.
- § 6. Qualifications for Office.
- § 7. Persons Convicted of Crime.

§ 1. Every person having resided in this State one year, in the county ninety days and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, or obtained a certificate of naturalization, before any court of record in this State, prior to the first day of

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January, in the year of our Lord one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

§ 2. All votes shall be by ballot.

§ 3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same. And no elector shall be required to do military duty on the days of election, except in time of war or public danger.

§ 4. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State, or in the military or naval service of the United States.

§ 5. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

§ 6. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

§ 7. The general assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

ARTICLE VIII.

EDUCATION.

§ 1. Free Schools.

§ 2. Gifts or Grants in aid of Schools.

§ 3. Aid to Sectarian Schools Prohibited.

§ 4. Sale of Text Books — Teachers and Officers.

§ 5. County Superintendent of Schools.

§ 1. The general assembly shall provide a thorough and efficient system of free schools whereby all children of this State may receive a good common school education.

§ 2. All lands, moneys, or other property, donated, granted, or received for school, college, seminary, or university purposes, and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

§ 3. Neither the general assembly nor any county, city, town, township, school district, or other public corporation shall ever make

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any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State or any such public corporation to any church or for any sectarian purpose.

§ 4. No teacher, State, county, township, or district school officer shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture, used or to be used in any school in this State, with which such officer or teacher may be connected, under such penalties as may be provided by the general assembly.

§ 5. There may be a county superintendent of schools in each county, whose qualifications, powers, duties, compensation, and time and manner of election and term of office shall be prescribed by law.

ARTICLE IX.

REVENUE.

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| § 1. Taxation Shall be Uniform. | § 7. Taxes Paid into State Treasury. |
| § 2. Other and Further Taxation. | § 8. Limitation on County Taxes. |
| § 3. Property Exempt from Taxation. | § 9. Local Municipal Improvements. |
| § 4. Sale of Real Property for Taxes. | § 10. Municipal Taxation. |
| § 5. Right of Redemption. | § 11. Defaulting Officers. |
| § 6. Release from Taxation Forbidden. | § 12. Limitation of Municipal Indebtedness. |

§ 1. The general assembly shall provide such revenue as may be needful by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property — such value to be ascertained by some person or persons to be elected or appointed in such manner as the general assembly shall direct, and not otherwise; but the general assembly shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor-dealers, toll-bridges, ferries, insurance, telegraph and express interests or business, venders of patents, and persons or corporations owning or using franchises and privileges, in such manner as it shall from time to time direct by general law, uniform as to the class upon which it operates.

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§ 2. The specification of the objects and subjects of taxation shall not deprive the general assembly of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this constitution.

§ 3. The property of the State, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery, and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. In the assessment of real estate incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property.

§ 4. The general assembly shall provide, in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments, for State, county, municipal, or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county having authority to receive State and county taxes; and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order or judgment of some court of record.

§ 5. The right of redemption from all sales of real estate for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate for a period of not less than two years from such sales thereof. And the general assembly shall provide, by law, for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: *Provided*, that occupants shall in all cases be served with personal notice before the time of redemption expires.

§ 6. The general assembly shall have no power to release or discharge any county, city, township, town, or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

§ 7. All taxes levied for State purposes shall be paid into the State treasury.

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§ 8. County authorities shall never assess taxes the aggregate of which shall exceed seventy-five cents per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

§ 9. The general assembly may vest the corporate authorities of cities, towns, and villages with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

§ 10. The general assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

§ 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary, or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

§ 12. No county, city, township, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from

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the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

ARTICLE X.

COUNTIES.

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| § 1. New Counties. | § 8. County Officers — Terms of Office. |
| § 2. Division of any County. | § 9. Salaries and Fees in Cook County. |
| § 3. Attaching or Detaching Territory. | § 10. Salaries Fixed by County Board. |
| § 4. Removal of County Seats. | § 11. Township Officers' Fees. |
| § 5. County Government. | § 12. Officers' Fees. |
| § 6. Board of County Commissioners. | § 13. Sworn Reports of Fees. |
| § 7. County Affairs in Cook County. | |

§ 1. No new county shall be formed or established by the general assembly which will reduce the county or counties, or either of them, from which it shall be taken to less contents than four hundred square miles: nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

§ 2. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

§ 3. There shall be no territory stricken from any county, unless a majority of the voters living in such territory shall petition for such division; and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for, and obliged to pay its proportion of, the indebtedness of the county from which it has been taken.

COUNTY SEATS.

§ 4. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and

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three-fifths of the voters of the county, to be ascertained in such manner as shall be provided by general law, shall have voted in favor of its removal to such point; and no person shall vote on such question who has not resided in the county six months, and in the election precinct ninety days next preceding such election. The question of the removal of a county seat shall not be oftener submitted than once in ten years, to a vote of the people. But when an attempt is made to remove a county seat to a point nearer to the center of a county, then a majority vote only shall be necessary.

COUNTY GOVERNMENT.

§ 5. The general assembly shall provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine; and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county by the board of county commissioners, may be dispensed with, and the affairs of said county may be transacted in such manner as the general assembly may provide. And in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county, at a general election, in the manner that now is or may be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in said county; and all laws in force in relation to counties not having township organization, shall immediately take effect and be in force in such county. No two townships shall have the same name, and the day of holding the annual township meeting shall be uniform throughout the State.

§ 6. At the first election of county judges under this constitution, there shall be elected in each of the counties in this State, not under township organization, three officers, who shall be styled, "The board of county commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

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§ 7. The county affairs of Cook county shall be managed by a board of commissioners of fifteen persons, ten of whom shall be elected from the city of Chicago and five from towns outside of said city, in such manner as may be provided by law.

COUNTY OFFICERS AND THEIR COMPENSATION.

As amended in 1880.
§ 8. In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A.D. 1882: A county judge, county clerk, sheriff, and treasurer, and at the election to be held on the Tuesday after the first Monday in November, A.D. 1884, a coroner and clerk of the circuit court (who may be *ex-officio*, recorder of deeds, except in counties having 60,000 and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, respectively, on the first Monday of December after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified: *Provided*, that no person having once been elected to the office of sheriff or treasurer, shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

§ 9. The clerks of all the courts of record, the treasurer, sheriff, coroner and recorder of deeds of Cook county, shall receive as their only compensation for their services, salaries to be fixed by law, which shall in no case be as much as the lawful compensation of a judge of the circuit court of said county, and shall be paid, respectively, only out of the fees of the office actually collected. All fees, perquisites, and emoluments (above the amount of said salaries) shall be paid into the county treasury. The number of the deputies and assistants of such officers shall be determined by rule of the circuit court, to be entered of record, and their compensation shall be determined by the county board.

§ 10. The county board, except as provided in section nine of this article, shall fix the compensation of all county officers, with the amount of their necessary clerk hire, stationery, fuel, and other expenses, and in all cases where fees are provided for, said compensation shall be paid only out of, and shall in no instance exceed,

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the fees actually collected; they shall not allow either of them more per annum than fifteen hundred dollars, in counties not exceeding twenty thousand inhabitants; two thousand dollars, in counties containing twenty thousand and not exceeding thirty thousand inhabitants; twenty-five hundred dollars, in counties containing thirty thousand and not exceeding fifty thousand inhabitants; three thousand dollars, in counties containing fifty thousand and not exceeding seventy thousand inhabitants; thirty-five hundred dollars, in counties containing seventy thousand and not exceeding one hundred thousand inhabitants; and four thousand dollars, in counties containing over one hundred thousand, and not exceeding two hundred and fifty thousand inhabitants; and not more than one thousand dollars additional compensation for each additional one hundred thousand inhabitants: *Provided*, that the compensation of no officer shall be increased or diminished during his term of office. All fees or allowances by them received, in excess of their said compensation, shall be paid into the county treasury.

§ 11. The fees of township officers, and of each class of county officers, shall be uniform in the class of counties to which they respectively belong. The compensation herein provided for shall apply only to officers hereafter elected, but all fees established by special laws shall cease at the adoption of this constitution, and such officers shall receive only such fees as are provided by general law.

§ 12. All laws fixing the fees of State, county, and township officers, shall terminate with the terms respectively of those who may be in office at the meeting of the first general assembly after the adoption of this constitution; and the general assembly shall, by general law, uniform in its operation, provide for and regulate the fees of said officers and their successors, so as to reduce the same to a reasonable compensation for services actually rendered. But the general assembly may, by general law, classify the counties by population into not more than three classes, and regulate the fees according to class. This article shall not be construed as depriving the general assembly of the power to reduce the fees of existing officers.

§ 13. Every person who is elected or appointed to any office in this State, who shall be paid in whole or in part by fees, shall be required by law to make a semi-annual report, under oath, to some officer to be designated by law, of all his fees and emoluments.

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ARTICLE XI.

CORPORATIONS.

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| § 1. Organization of Corporations. | § 9. Railroad—Transfer Offices, Reports. |
| § 2. Existing Charters. | § 10. Personal Property of Railroads. |
| § 3. Election of Directors or Managers. | § 11. Consolidations. |
| § 4. Construction of Street Railroads. | § 12. Railroads Deemed Highways—Rates Fixed. |
| § 5. State Bank Forbidden — General Law. | § 13. Stock, Bonds, and Dividends. |
| § 6. Liability of Bank Stockholder. | § 14. Power over Existing Companies. |
| § 7. Suspension of Specie Payment. | § 15. Freight and Passenger Tariffs Regulated. |
| § 8. Of a General Banking Law. | |

§ 1. No corporation shall be created by special laws, or its charter extended, changed, or amended, except those for charitable, educational, penal, or reformatory purposes, which are to be and remain under the patronage and control of the State, but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created.

§ 2. All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

§ 3. The general assembly shall provide, by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

§ 4. No law shall be passed by the general assembly granting the right to construct and operate a street railroad within any city, town, or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

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BANKS.

§ 5. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint stock company or association for banking purposes now created, or to be hereafter created. No act of the general assembly authorizing or creating corporations or associations with banking powers, whether of issue, deposit, or discount, nor amendments thereto, shall go into effect or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for or against such law.

§ 6. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities accruing while he or she remains such stockholder.

§ 7. The suspension of specie payments by banking institutions, on their circulation, created by the laws of this State, shall never be permitted or sanctioned. Every banking association now, or which may hereafter be, organized under the laws of this State, shall make and publish a full and accurate quarterly statement of its affairs (which shall be certified to, under oath, by one or more of its officers) as may be provided by law.

§ 8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of state, of all bills or paper credit designed to circulate as money, and require security, to the full amount thereof, to be deposited with the State treasurer, in United States or Illinois State stocks, to be rated at ten per cent. below their par value; and in case of a depreciation of said stocks to the amount of ten per cent. below par, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks. And said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer thereof, and to whom such transfer is made.

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RAILROADS.

§ 9. Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the general assembly shall pass laws enforcing by suitable penalties the provisions of this section.

§ 10. The rolling stock, and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the general assembly shall pass no law exempting any such property from execution and sale.

§ 11. No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation, now incorporated or hereafter to be incorporated by the laws of this State, shall be citizens and residents of this State.

§ 12. Railways heretofore constructed or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the general assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the trans-

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portation of passengers and freight on the different railroads in this State.

§ 13. No railroad corporation shall issue any stock or bonds, except for money, labor, or property actually received and applied to the purposes for which such corporation was created; and all stock dividends, and other fictitious increase of capital stock or indebtedness of any such corporation, shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except upon giving sixty days' public notice, in such manner as may be provided by law.

§ 14. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the general assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

§ 15. The general assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

ARTICLE XII.

MILITIA.

§ 1. Persons Liable to Duty.

§ 2. Organization — Equipment — Discipline.

§ 3. Officers.

§ 4. Privileged from Arrest.

§ 5. Records, etc., Preservation.

§ 6. Exemption from Duty.

§ 1. The militia of the State of Illinois shall consist of all able-bodied male persons, resident in the State, between the ages of eighteen and forty-five, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State.

§ 2. The general assembly, in providing for the organization,

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equipment, and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

§ 3. All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the general assembly may provide.

§ 4. The militia shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters and elections, and in going to and returning from the same.

§ 5. The military records, banners, and relics of the State shall be preserved as an enduring memorial of the patriotism and valor of Illinois, and it shall be the duty of the general assembly to provide by law for the safe-keeping of the same.

§ 6. No person having conscientious scruples against bearing arms shall be compelled to do militia duty in time of peace: *Provided*, such person shall pay an equivalent for such exemption.

ARTICLE XIII.

WAREHOUSES.

§ 1. Public Warehouses.

§ 2. Weekly Statements Required.

§ 3. Examination of Property Stored.

§ 4. Delivery of Full Weights.

§ 5. Delivery of Grain by Railroads.

§ 6. Warehouse Receipts.

§ 7. Grain Inspection.

§ 1. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses.

§ 2. The owner, lessee, or manager of each and every public warehouse situated in any town or city of not less than one hundred thousand inhabitants, shall make weekly statements under oath, before some officer to be designated by law, and keep the same posted in some conspicuous place in the office of such warehouse, and shall also file a copy for public examination in such place as shall be designated by law, which statement shall correctly set forth the amount and grade of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued, and are, at the time

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of making such statement, outstanding therefor; and shall, on the copy posted in the warehouse, note daily such changes as may be made in the quantity and grade of grain in such warehouse; and the different grades of grain shipped in separate lots shall not be mixed with inferior or superior grades without the consent of the owner or consignee thereof.

§ 3. The owners of property stored in any warehouse, or holder of a receipt for the same, shall always be at liberty to examine such property stored, and all the books and records of the warehouse, in regard to such property.

§ 4. All railroad companies and other common carriers on railroads shall weigh or measure grain at points where it is shipped and receipt for the full amount, and shall be responsible for the delivery of such amount to the owner or consignee thereof, at the place of destination.

§ 5. All railroad companies receiving and transporting grain in bulk or otherwise, shall deliver the same to any consignee thereof, or any elevator or public warehouse to which it may be consigned, provided such consignee or the elevator or public warehouse can be reached by any track owned, leased, or used, or which can be used by such railroad companies; and all railroad companies shall permit connections to be made with their track, so that any such consignee and any public warehouse, coal bank, or coal yard may be reached by the cars on said railroad.

§ 6. It shall be the duty of the general assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts, and to give full effect to this article of the constitution, which shall be liberally construed so as to protect producers and shippers. And the enumeration of the remedies herein named shall not be construed to deny to the general assembly the power to prescribe by law such other and further remedies as may be found expedient, or to deprive any person of existing common law remedies.

§ 7. The general assembly shall pass laws for the inspection of grain, for the protection of producers, shippers, and receivers of grain and produce.

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ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

§ 1. By a Convention.

| § 2. Proposed by the Legislature.

§ 1. Whenever two-thirds of the members of each house of the general assembly shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter, or amend the constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the general assembly shall, at the next session, provide for a convention, to consist of double the number of members of the senate, to be elected in the same manner, at the same places, and in the same districts. The general assembly shall, in the act calling the convention, designate the day, hour, and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the convention in the performance of its duties. Before proceeding, the members shall take an oath to support the constitution of the United States, and of the State of Illinois, and to faithfully discharge their duties as members of the convention. The qualification of members shall be the same as that of members of the senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the general assembly. Said convention shall meet within three months after such election, and prepare such revision, alteration, or amendments of the constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted, and approved by a majority of the electors voting at the election, no such revision, alteration, or amendments shall take effect.

§ 2. Amendments to this constitution may be proposed in either house of the general assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments, together with the yeas and nays of each house thereon, shall be entered in full on their respective jour-

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nals, and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the general assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this constitution. But the general assembly shall have no power to propose amendments to more than one article of this constitution at the same session, nor to the same article oftener than once in four years.

SECTIONS SEPARATELY SUBMITTED.

ILLINOIS CENTRAL RAILROAD.

Illinois Central Railroad.

Municipal Subscriptions to Corporations.

| Illinois and Michigan Canal.

No contract, obligations, or liability whatever, of the Illinois Central Railroad Company to pay any money into the State treasury, nor any lien of the State upon, or right to tax property of said company, in accordance with the provisions of the charter of said company, approved February tenth, in the year of our Lord one thousand eight hundred and fifty-one, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State government, and for no other purposes whatever.

MINORITY REPRESENTATION.

[See Sections 7 and 8, Article IV., page 10.]

MUNICIPAL SUBSCRIPTIONS TO RAILROADS OR PRIVATE CORPORATIONS.

No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such

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corporation: *Provided, however,* that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

CANAL.

The Illinois and Michigan Canal shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State, at a general election, and have been approved by a majority of all the votes polled at such election. The general assembly shall never loan the credit of the State, or make appropriations from the treasury thereof, in aid of railroads or canals: *Provided,* that any surplus earnings of any canal may be appropriated for its enlargement or extension.

SCHEDULE.

§ 1. Laws in Force remain Valid.	§ 4. County Courts.
§ 2. Fines, Penalties, and Forfeitures.	§ 5. All Existing Courts Continued.
§ 3. Recognizances, Bonds, Obligations.	§ 6. Persons now in Office Continued.

That no inconvenience may arise from the alterations and amendments made in the constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

§ 1. That all laws in force at the adoption of this constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts of the State, individuals, or bodies corporate, shall continue to be as valid as if this constitution had not been adopted.

§ 2. That all fines, taxes, penalties, and forfeitures, due and owing to the State of Illinois under the present constitution and laws, shall inure to the use of the people of the State of Illinois, under this constitution.

§ 3. Recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the State of Illinois, to any State or county officer, or public body, shall remain binding and valid; and rights and liabilities upon the same shall continue, and all crimes and misde-

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meanors shall be tried and punished as though no change had been made in the constitution of this State.

§ 4. County courts for the transaction of county business in counties not having adopted township organization shall continue in existence, and exercise their present jurisdiction until the board of county commissioners provided in this constitution is organized in pursuance of an act of the general assembly; and the county courts in all other counties shall have the same power and jurisdiction they now possess until otherwise provided by law.

§ 5. All existing courts which are not in this constitution specifically enumerated shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

§ 6. All persons now filling any office or appointment shall continue in the exercise of the duties thereof according to their respective commissions or appointments, unless by this constitution it is otherwise directed.

[Sections 7 to 17, both inclusive, providing for the submission of this constitution and voting thereon by the people, became inoperative by the adoption of this constitution.]

§ 7. On the day this constitution is submitted to the people for ratification an election shall be held for judges of the supreme court in the second, third, sixth, and seventh judicial election districts designated in this constitution, and for the election of three judges of the circuit court in the county of Cook, as provided for in the article of this constitution relating to the judiciary, at which election every person entitled to vote, according to the terms of this constitution, shall be allowed to vote, and the election shall be otherwise conducted, returns made, and certificates issued, in accordance with existing laws, except that no registry shall be required at said election: *Provided*, that at said election in the county of Cook no elector shall vote for more than two candidates for circuit judge. If, upon canvassing the votes for and against the adoption of this constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificates of election shall be issued for any of said supreme or circuit judges.

§ 8. This constitution shall be submitted to the people of the State of Illinois for adoption or rejection at an election to be held

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on the first Saturday in July, in the year of our Lord one thousand eight hundred and seventy, and there shall be separately submitted at the same time, for adoption or rejection, sections nine, ten, eleven, twelve, thirteen, fourteen, and fifteen relating to railroads, in the article entitled "Corporations," the article entitled "Counties," the article entitled "Warehouses," the question of requiring a three-fifths vote to remove a county seat, the section relating to the Illinois Central Railroad, the section in relation to minority representation, the section relating to municipal subscriptions to railroads or private corporations, and the section relating to the canal. Every person entitled to vote under the provisions of this constitution, as defined in the article in relation to suffrage, shall be entitled to vote for the adoption or rejection of this constitution, and for or against the articles, sections, and questions aforesaid, separately submitted, and the said qualified electors shall vote at the usual places of voting, unless otherwise provided; and the said election shall be conducted, and returns thereof made, according to the laws now in force regulating general elections, except that no registry shall be required at said election: *Provided, however,* that the polls shall be kept open for the reception of ballots until sunset of said day of election.

§ 9. The secretary of state shall, at least twenty days before said election, cause to be delivered to the county clerk of each county, blank poll-books, tally-lists, and forms of return, and twice the number of properly prepared printed ballots for the said election that there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the secretary of State is, by law, required to be audited and paid, and the several county clerks shall at least five days before said election, cause to be distributed to the board of election, in each election district in their respective counties, said blank poll-books, tally-lists, forms of return, and tickets.

§ 10. At the said election the ballots shall be in the following form:

NEW CONSTITUTION TICKET.

For all the propositions on this ticket which are not cancelled with ink or pencil, and against all propositions which are so cancelled.

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For the new constitution.

For the sections relating to railroads in the article entitled "Corporations."

For the article entitled "Counties."

For the article entitled "Warehouses."

For a three-fifths vote to remove county seats.

For the section relating to the Illinois Central Railroad.

For the section relating to minority representation.

For the section relating to municipal subscriptions to railroads or private corporations.

For the section relating to the canal.

Each of said tickets shall be counted as a vote cast for each proposition thereon not cancelled with ink or pencil, and against each proposition so cancelled, and returns thereof shall be made accordingly by the judges of election.

§ 11. The returns of the whole vote cast, and of the votes for the adoption or rejection of this constitution, and for or against the articles and sections respectively submitted, shall be made by the several county clerks, as is now provided by law, to the secretary of State, within twenty days after the election, and the returns of said votes shall, within five days thereafter, be examined and canvassed by the auditor, treasurer, and secretary of state, or any two of them, in the presence of the governor, and proclamation shall be made by the governor forthwith of the result of the canvass.

§ 12. If it shall appear that a majority of the votes polled are "for the new constitution," then so much of this constitution as was not separately submitted to be voted on by articles and sections, shall be the supreme law of the State of Illinois on and after Monday, the eighth day of August, in the year of our Lord one thousand eight hundred and seventy; but if it shall appear that a majority of the votes polled were "against the new constitution," then so much thereof as was not separately submitted to be voted on by articles and sections, shall be null and void.

If it shall appear that a majority of the votes polled are "for the sections relating to railroads in the article entitled 'Corporations,'" sections nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, relating to railroads in the said article, shall be a part of the

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constitution of this State, but if a majority of said votes are against such sections, they shall be null and void. If a majority of the votes polled are "for the article entitled 'Counties,'" such article shall be part of the constitution of this State, and shall be substituted for article seven, in the present constitution, entitled "Counties"; but if a majority of said votes are against such article the same shall be null and void. If a majority of the votes polled are "for the article entitled 'Warehouses,'" such article shall be part of the constitution of this State; but if a majority of the votes are against such article, the same shall be null and void. If a majority of the votes polled are for either of the sections separately submitted, relating respectively to the "Illinois Central Railroad," "minority representation," "municipal subscriptions to railroads or private corporations," and the "canal," then such of said sections as shall receive such majority shall be a part of the constitution of this State; but each of said sections so separately submitted against which respectively there shall be a majority of the votes polled, shall be null and void: *Provided*, that the section relating to "minority representation" shall not be declared adopted unless the portion of the constitution not separately submitted to be voted on by articles and sections shall be adopted; and in case said section relating to "minority representation" shall become a portion of the constitution, it shall be substituted for sections seven and eight of the legislative article. If a majority of the votes cast at such election shall be for a three-fifths vote to remove a county seat, then the words "a majority" shall be stricken out of section four of the article on Counties, and the words "three-fifths" shall be inserted in lieu thereof, and the following words shall be added to said section, to-wit: "But when an attempt is made to remove a county seat to a point nearer to the center of a county, then a majority vote only shall be necessary." If the foregoing proposition shall not receive a majority of the votes, as aforesaid, then the same shall have no effect whatever.

§ 13. Immediately after the adoption of this constitution, the governor and secretary of state shall proceed to ascertain and fix the apportionment of the State for members of the first house of representatives under this constitution. The apportionment shall be based upon the federal census of the year of our Lord one thou-

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sand eight hundred and seventy, of the State of Illinois, and shall be made strictly in accordance with the rules and principles announced in the article on the legislative department of this constitution: *Provided*, that in case the federal census aforesaid cannot be ascertained prior to Friday, the twenty-third day of September, in the year of our Lord one thousand eight hundred and seventy, then the said apportionment shall be based on the State census of the year of our Lord one thousand eight hundred and sixty-five, in accordance with the rules and principles aforesaid. The governor shall, on or before Wednesday, the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and seventy, make official announcement of said apportionment, under the great seal of the State; and one hundred copies thereof, duly certified, shall be forthwith transmitted by the secretary of state to each county clerk for distribution.

§ 14. The districts shall be regularly numbered by the secretary of state, commencing with Alexander county as number one, and proceeding then northwardly through the State, and terminating with the county of Cook, but no county shall be numbered as more than one district, except the county of Cook, which shall constitute three districts, each embracing the territory contained in the now existing representative districts of said county. And on the Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, the members of the first house of representatives under this constitution shall be elected according to the apportionment fixed and announced as aforesaid, and shall hold their offices for two years, and until their successors shall be elected and qualified.

§ 15. The senate, at its first session under this constitution, shall consist of fifty members, to be chosen as follows: At the general election held on the first Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy, two senators shall be elected in districts where the term of senators expires on the first Monday of January, in the year of our Lord one thousand eight hundred and seventy-one, or where there shall be a vacancy, and in the remaining districts one senator shall be elected. Senators so elected shall hold their office two years.

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§ 16. The general assembly, at its first session held after the adoption of this constitution, shall proceed to apportion the State for members of the senate and house of representatives, in accordance with the provisions of the article on the legislative department.

§ 17. When this constitution shall be ratified by the people, the governor shall forthwith, after having ascertained the fact, issue writs of election to the sheriffs of the several counties of the State, or in case of vacancies, to the coroners, for the election of all the officers the time of whose election is fixed by this constitution or schedule, and it shall be the duty of said sheriffs or coroners to give such notice of the time and place of said election as is now prescribed by law.

§ 18. All laws of the State of Illinois and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

§ 19. The general assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

§ 20. The circuit clerks of the different counties having a population over sixty thousand shall continue to be recorders (*ex-officio*) for their respective counties, under this constitution, until the expiration of their respective terms.

§ 21. The judges of all courts of record in Cook county shall, in lieu of any salary provided for in this constitution, receive the compensation provided by law until the adjournment of the first session of the general assembly after the adoption of this constitution.

§ 22. The present judge of the circuit court of Cook county shall continue to hold the circuit court of Lake county until otherwise provided by law.

§ 23. When this constitution shall be adopted and take effect as the supreme law of the State of Illinois, the two-mill tax provided to be annually assessed and collected upon each dollar's worth of taxable property in addition to all other taxes, as set forth in article fifteen of the now existing constitution, shall cease to be assessed after the year of our Lord one thousand eight hundred and seventy.

§ 24. Nothing contained in this constitution shall be so construed as to deprive the general assembly of power to authorize

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the city of Quincy to create any indebtedness for railroad or municipal purposes for which the people of said city shall have voted and to which they shall have given, by such vote, their assent, prior to the thirteenth day of December, in the year of our Lord one thousand eight hundred and sixty-nine: *Provided*, that no such indebtedness so created, shall, in any part thereof, be paid by the State or from any State revenue tax or fund, but the same shall be paid, if at all, by the said city of Quincy alone, and by taxes to be levied upon the taxable property thereof: *And provided, further*, that the general assembly shall have no power in the premises that it could not exercise under the present constitution of the State.

§ 25. In case this constitution, and the articles and sections submitted separately be adopted, the existing constitution shall cease in all its provisions; and in case this constitution be adopted, and any one or more of the articles or sections submitted separately be defeated, the provisions of the existing constitution, if any, on the same subject shall remain in force.

§ 26. The provisions of this constitution required to be executed prior to the adoption or rejection thereof, shall take effect and be in force immediately.

Done in convention at the capitol in the city of Springfield, on the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States of America the ninety-fourth.

In witness whereof, we have hereunto subscribed our names.

CHARLES HITCHCOCK, *President*.

WILLIAM J. ALLEN,
JOHN ABBOTT,
JAMES C. ALLEN,
ELLIOTT ANTHONY,
WM. R. ARCHER,
HENRY I. ATKINS,
JAMES G. BAYNE,
R. M. BENJAMIN,
H. P. H. BROMWELL,
O. H. BROWNING,
WM. G. BOWMAN,

SILAS L. BRYAN,
H. P. BUXTON,
DANIEL CAMERON,
WILLIAM CARY,
LAWRENCE S. CHURCH,
HIRAM H. CODY,
W. F. COOLBAUGH,
ALFRED M. CRAIG,
ROBER J. CROSS,
SAMUEL P. CUMMINGS,
JOHN DEMENT,

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G. S. ELDRIDGE,
JAMES W. ENGLISH,
DAVID ELLIS,
FERRIS FORMAN,
JESSE C. FOX,
MILES A. FULLER,
JOHN P. GAMBLE,
ADDISON GOODELL,
JOHN C. HAINES,
ELIJAH M. HAINES,
JOHN W. HANKINS,
JAMES MCCOY,
CHARLES E. MCDOWELL,
WILLIAM C. GOODHUE,
JOSEPH MEDILL,
CLIFTON H. MOORE,
JONATHAN MERRIAM,
JOSEPH PARKER,
SAMUEL C. PARKER,
PELEG S. PERLEY,
J. S. POAGE,
EDWARD Y. RICE,
JAMES P. ROBINSON,
LEWIS W. ROSS,
ROBERT A. KING,
WILLIAM P. PIERCE,
N. J. PILLSBURY,
JOHN SCHOLFIELD,

JAMES M. SHARP,
HENRY SHERRELL,
WM. H. SNYDER,
O. C. SKINNER,
WESTEL W. SEDGWICK,
CHARLES F. SPRINGER,
JOHN L. TINCHER,
C. TRUESDALE,
HENRY TUBBS,
THOMAS J. TURNER,
WM. H. UNDERWOOD,
WM. L. VANDEVENTER,
HENRY W. WELLS,
GEORGE E. WAIT,
GEORGE W. WALL,
R. B. SUTHERLAND,
R. P. HANNA,
JOSEPH HART,
ABEL HARWOOD,
MILTON HAY,
SAMUEL SNOWDEN HAYES,
JESSE S. HILDRUP,
D. C. WAGNER,
GEORGE R. WENDLING,
CHAS. WHEATON,
L. D. WHITING,
JOHN H. WILSON,
ORLANDO H. WRIGHT.

Attest: JOHN Q. HARMON, *Secretary.*

DANIEL SHEPARD, *First Assistant Secretary.*

A. H. SWAIN, *Second Assistant Secretary.*

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AMENDMENTS.

FIRST AMENDMENT.

ARTICLE IV. — SECTION 31.

Proposed by the Thirtieth General Assembly, 1877, and adopted by a vote of the People on the 5th day of November, A.D. 1878.

DRAINAGE.

The general assembly may pass laws permitting the owners of lands to construct drains, ditches, and levees for agricultural, sanitary or mining purposes across the lands of others, and provide for the organization of drainage districts and vest the corporate authorities thereof with power to construct and maintain levees, drains, and ditches, and to keep in repair all drains, ditches, and levees heretofore constructed under the laws of this State, by special assessments upon the property benefited thereby.

SECOND AMENDMENT.

ARTICLE X. — SECTION 8.

Proposed by the Thirty-first General Assembly, 1879, and adopted by a vote of the People on the 2d day of November, A.D. 1880.

COUNTY OFFICERS.

In each county there shall be elected the following county officers at the general election to be held on the Tuesday after the first Monday in November, A.D. 1882: A county judge, county clerk, sheriff, and treasurer, and at the election to be held on the first Tuesday after the first Monday in November, A.D. 1884, a coroner and clerk of the circuit court (who may be *ex-officio* recorder of deeds, except in counties having 60,000 and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, respectively, on the first Monday of December after his election, and they shall hold their respective offices for the term of four years. and until their successors are elected and qualified:

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Provided, that no person having once been elected to the office of sheriff or treasurer shall be eligible to re-election to said offices for four years after the expiration of the term for which he shall have been elected.

THIRD AMENDMENT.

ARTICLE V. — SECTION 16.

Proposed by the Thirty-third General Assembly, 1883, and adopted by a vote of the People on the 4th day of November, A.D. 1884.

VETO POWER OF THE GOVERNOR.

Every bill passed by the general assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that house, shall become a law, notwithstanding the objections of the governor; but in all such cases the vote of each house shall be determined by yeas and nays, to be entered upon the journal. Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections. And if the governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the governor. The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the governor with his objections;

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and if any item or section of said bill not approved by the governor shall be passed by two-thirds of the members elected to each of the two houses of the general assembly, it shall become part of said law, notwithstanding the objections of the governor. Any bill which shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the general assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the secretary of state, within ten days after such adjournment, or become a law.

FOURTH AMENDMENT.

Proposed by the Thirty-fourth General Assembly, 1885, and adopted by a vote of the People on the 4th day of November, A.D. 1886.

CONTRACT CONVICT LABOR.

Hereafter it shall be unlawful for the commissioners of any penitentiary or other reformatory institution in the State of Illinois to let by contract to any person or persons, or corporations, the labor of any convict confined within said institution.

FIFTH AMENDMENT.

In force November 29, 1890.

“The corporate authorities of the city of Chicago are hereby authorized to issue interest-bearing bonds of said city to an amount not exceeding five million dollars, at a rate of interest not to exceed five per centum per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the treasurer of the World's Columbian Exposition, and used and disbursed by him, under the direction and control of the directors, in aid of the World's Columbian Exposition, to be held in the city of Chicago, in pursuance of an act of Congress of the United States: *Provided*, that if at the election for the adoption of this amendment to the constitution, a majority of the votes cast within the limits of the city of Chicago shall be against its adoption, then no bonds shall be issued under this amendment. And said corporate authorities

• CONSTITUTION OF ILLINOIS.

shall be repaid as large a proportionate amount of the aid given by them as is repaid to the stockholders on the sums subscribed and paid by them, and the money so received shall be used in the redemption of the bonds issued as aforesaid: *Provided*, that said authorities may take, in whole or in part of the sum coming to them, any permanent improvements placed on land held or controlled by them: *And provided, further*, that no such indebtedness so created shall in any part thereof be paid by the State, or from any State revenue, tax, or fund, but the same shall be paid by the said city of Chicago alone."

UNITED STATES OF AMERICA, }
STATE OF ILLINOIS, } ss.

OFFICE OF SECRETARY
OF STATE.

I, Henry D. Dement, Secretary of State of the State of Illinois, do hereby certify that the foregoing is a true copy of the Constitution of the State of Illinois, adopted in convention on the 13th day of May, 1870, ratified by a vote of the people on the 2d day of July, 1870, and in force on the 8th day of August, 1870, and as amended in 1878, in 1880, in 1884, and in 1886, and now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of State. Done at the city of Springfield, this 15th day of January, A.D. 1887.

HENRY D. DEMENT, *Secretary of State.*

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